



*protecting lives, rights, communities*

# ANNUAL REPORT 2005



*Peter C. Harvey, Attorney General of New Jersey*



## Attorney General

First Assistant Attorney General

Chief of Staff

Office of Counter Terrorism

Office of Government Integrity

Division of Alcoholic Beverage Control

Division on Civil Rights

Division of Consumer Affairs

Division of Criminal Justice

Division of Elections

Division of Gaming Enforcement

Division of Highway Traffic Safety

Juvenile Justice Commission

Division of Law

Racing Commission

Division of State Police

Election Law Enforcement Commission

Executive Commission on Ethical Standards

New Jersey Domestic Security Preparedness Task Force

Office of Child Advocacy

Victims of Crime Compensation Board

State Athletic Control Board

### Office of Counter-Terrorism

- ❖ Intelligence Gathering/Investigation
- ❖ Centralization/Sharing of Intelligence
- ❖ Counter-Terrorism Training
- ❖ Infrastructure Protection
- ❖ Critical Asset Tracking System

### Office of Government Integrity

- ❖ Fiscal Integrity in School Construction
- ❖ Criminal Matters
- ❖ Professional Responsibility Unit
- ❖ Attorney General Referrals

### Division of Alcoholic Beverage Control

- ❖ Licensing
- ❖ Regulation
- ❖ Enforcement

### Division of Consumer Affairs

- ❖ Consumer Protection
- ❖ Securities Industry Regulation
- ❖ Weights and Measures
- ❖ Professional Board Oversight

### Division on Civil Rights

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- ❖ Community Relations
- ❖ Crisis Intervention
- ❖ Administrative Adjudication

### Division of Criminal Justice

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- ❖ Federal Grants, Policy and Research
- ❖ Police Training and Education
- ❖ Securities and Antitrust Prosecutions
- ❖ State Medical Examiner

### Division of Elections

- ❖ State Voter Registration
- ❖ Certify and Publish Election Results
- ❖ Certify Voting Machines
- ❖ State Ballot Questions and Bond Issues

### Division of Gaming Enforcement

- ❖ Operations
- ❖ Licensing
- ❖ Investigations
- ❖ Intelligence

### Division of Highway Traffic Safety

- ❖ Drunk Driving Enforcement
- ❖ Highway Safety Administration
- ❖ Coordination of Federal Funds
- ❖ Seatbelt Safety

### Juvenile Justice Commission

- ❖ Statewide Coordination of Juvenile Services
- ❖ Delinquency Prevention
- ❖ Education & Rehabilitation
- ❖ Skills Training
- ❖ Juvenile Parole Supervision

### Division of Law

- ❖ Legal Services to Client Agencies
- ❖ Civil Prosecution
- ❖ Appeals
- ❖ Litigation Practice
- ❖ Environmental Practice Group

### Racing Commission

- ❖ Supervising Live Racing
- ❖ Investigations
- ❖ Licensing
- ❖ Chemical Testing Program
- ❖ Audit Pari-mutuel Wagering

### Division of State Police

- ❖ Highway and Marine Safety and Enforcement
- ❖ Target Criminal Activity Enforcement
- ❖ Homeland Security
- ❖ Emergency Preparedness and Response
- ❖ Community Outreach/Anti-crime Partnerships
- ❖ Intelligence Services

# Greetings from the Attorney General

Dear Governor Codey, members of the  
State Legislature and citizens of New Jersey:

It has been my privilege to serve as Attorney General for the past three years. Our office has broad responsibilities that impact virtually every aspect of life in New Jersey, and we take those responsibilities quite seriously. This report outlines our efforts in 2005.

The New Jersey Attorney General's Office, formally known as the Department of Law and Public Safety, has the broadest jurisdiction of any Attorney General's Office in the nation. We have approximately 9,600 employees spread across 11 divisions, including State Police, Criminal Justice, Alcoholic Beverage Control, Gaming Enforcement, Law, Juvenile Justice Commission, Elections, Highway Traffic Safety, Civil Rights and Consumer Affairs and the Racing Commission. We also have principal authority over New Jersey's homeland security strategy through my chairmanship of the Domestic Security Preparedness Task Force and oversight of the Office of Counter-Terrorism. Our state-appropriated budget exceeds \$530 million, and, with federal grants, approximates \$1 billion.

Our agenda is one of action and innovation. We have implemented system reforms and brought substantial cases that better protect the public and ensure equal justice. Some of our initiatives are the first of their kind in the nation. Our focus includes mandating statewide police rules and training to prohibit racial and religious profiling in both routine police work and counter-terrorism investigations, prosecuting securities fraud cases to protect small investors, environmental enforcement to clean up our cities and suburban neighborhoods, an insurance fraud prosecutor's office that leads the nation in prosecutions, an aggressive voter education program and prosecuting consumer fraud cases to protect your hard earned dollars. The result of our work has been system reforms — solutions — having some permanency on issues that matter.

We pride ourselves on being creative and non-partisan. The pages ahead will give you an overview of our enormous responsibility on behalf of the people of New Jersey. After reading it, I invite you to learn more about our work by visiting the Web sites of our divisions. You can access all of our division Web sites by visiting the main OAG Web site at [www.NJPublicSafety.com](http://www.NJPublicSafety.com). Through the tireless efforts of our lawyers, investigators and administrative personnel, and through collaborative working relationships with other state departments, local governments, federal agencies and the private sector, we continue to strive to improve the quality of life in New Jersey.

*Thank you for giving me the privilege of serving you.*

**Peter C. Harvey,**  
*Attorney General*







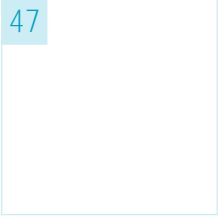

*Attorney General  
Peter C. Harvey*

## Office of the Attorney General

The Office of the Attorney General (OAG), formally known as the Department of Law and Public Safety, is committed to making New Jersey safe and secure for all persons who live, work, conduct business and vacation here. Under the direction of the Attorney General, the Department handles many diverse and complex responsibilities — all of them focused on protecting lives, property and individual rights. Assisting the Attorney General in managing OAG's 9,600 employees and total budget of nearly \$1 billion is a team of experienced and talented administrators, legal and communications personnel. The Attorney General provides direct legal services to State agencies and generates rules and regulations governing law enforcement operations. Among the units under the auspices of the Attorney General are: Administration, Equal Employment Opportunity and Affirmative Action, the Office of Government Integrity, the Office of Counter Terrorism, The Domestic Security Preparedness Task Force, the Office of State Police Affairs, The New Jersey State Athletic Control Board and the HAVA Implementation Team.

- **Attorney General Peter C. Harvey**
- **First Assistant Attorney General, Mariellen Dugan**
- **Chief of Staff, Markus Green**
- **William C. Brown, Counsel to the Attorney General**
- **Peter Wint, AAG and Deputy Chief of Staff**
- **Lawrence M. O'Reilly, AAG**
- **Paul Lorquet, Director of Communications**
- **B. Stephan Finkel AAG & Director/Legislative Affairs**
- **Tracy Munford, Director of Public Affairs & Community Outreach**
- **Leland Moore, Deputy Director/Communications**
- **Regina Garb, Director/Citizens Services & Relations**
- **Paul Kraml, Chief Graphic Designer/Creative Director**
- **James Nestor, Director/Office of Employee & Organization Development**
- **Joi Taylor, Special Assistant to the Attorney General**
- **Elisa Hartpence, Exec. Asst. to the Attorney General**
- **Lani Golowski, Exec. Asst. to the Attorney General**
- **Thomas J. O'Reilly, Administrator**
- **Catherine Farley, Director/Human Resource Mgmt.**
- **Robert J. Caccese, Director/Operations Audit**
- **Maria Cardellos, Chief Information Officer/Information Technology Services**
- **Raymond J. Hayling II, Chief/Public Safety Communications**
- **Carl Wyhopen, Director and DAG/Internal Controls**
- **Daniel Foster, Director/Finance & Facilities Mgmt.**
- **Carl H. Ruopp, Asst. Director/CAO-Administration**

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# Reducing Street Gangs Through Education and Enforcement

**T**he Attorney General's Office continued in 2005 to address New Jersey's growing gang problem through an effective blend of prevention, enforcement and education initiatives.

The Attorney General's principal gang prevention program, PROJECT VISION, continued to grow. Regarding enforcement, the Attorney General's Office joined with police agencies at every level to carry out important sweeps that took gang thugs and their drug-dealing associates off the streets, resulting in the seizure of weapons and other illegally-gained contraband and making neighborhoods safer. Public awareness efforts included an award-winning documentary video "Gangs, Guns and Drugs" exploring the scope, and societal toll, of New Jersey's gang problem, and release of the most comprehensive gang activity survey ever conducted by a law enforcement agency in New Jersey.

## Prevention: 2005 Brought New PROJECT VISION Sites to NJ.

On January 31, 2005, Attorney General Harvey, Gloucester County Prosecutor Sean Dalton and former Philadelphia 76ers professional basketball player World B. Free helped launch a new PROJECT VISION site at the Glassboro Boys & Girls Club in Glassboro, Gloucester County. This after school program was the second PROJECT VISION site opened in New Jersey.

A partnership combining the energy and resources of the Attorney General's Office, participating county prosecutors and a host of community stakeholders, PROJECT VISION gives thousands of young people a safe place to go after school, and a range of positive, in-



Vaughn L. McKoy  
Director

## Division of Criminal Justice

Established in 1970, the Division of Criminal Justice works to protect the rights and safety of the public. The Division accomplishes its core mission in a variety of ways including the development of standards for the enforcement and prosecution of criminal laws, and the investigation and prosecution of unlawful activity including, but not limited to, public corruption, drug and weapons trafficking, street gang activity, bias crime, insurance fraud and environmental crime. The Division takes a lead role in promulgating policies related to all aspects of law enforcement. The Division also provides leadership to the 21 county prosecutors and other law enforcement agencies to ensure uniformity.

- *Director, Vaughn L. McKoy, AAG*
- *Deputy Director, Andrew Rossner, AAG - Fraud and Public Protection Bureau*
- *Deputy Director, Ronald Susswein, AAG - Major Crimes Bureau*
- *Greta Gooden-Brown, AAG - Insurance Fraud Prosecutor*
- *Patricia Prezioso, AAG - Law Enforcement Services*
- *Jessica Oppenheim, AAG - Prosecutors Supervision & Coordination*
- *E. Robbie Miller, DAG - Policy and Legislation*

[www.NJDCJ.org](http://www.NJDCJ.org)

### Glouco launches anti-gang program

Courier-Post staff

New Jersey Attorney General Peter C. Harvey and Gloucester County Prosecutor Sean Dalton helped

### Bridgeton children trained in animation as part of state anti-gang initiative

■ The city is one of five in New Jersey to benefit from Project Vision, which hopes to keep children out of gangs by giving them something worthwhile to do.

By DANIEL WALSH  
Staff Writer (609) 704-5111

July 10 to give children an introduction to creating cartoons



Attorney General Harvey with a group of Bridgeton students during a June 2005 PROJECT VISION event held at the Southeast Bridgeton Recreation Center.

formative and fun activities to engage them. Established at each new location through a \$50,000 Division of Criminal Justice grant, Project Vision has a core mission of providing lessons and skills that turn young people toward positive life choices, and away from the false glamour and mythic solidarity of street gangs. The eight core elements of PROJECT VISION include: personal responsibility, caring adults, safe havens, personal safety, academic development, life skills, career awareness and community service. The program's working theme is "Protecting our Future, Preparing our Children."

#### ❖ *Glassboro Site*

Students enrolled in PROJECT VISION at Glassboro receive personal responsibility lessons that emphasize decision-making skills, fair play and respect for self, as well as others. Lessons in personal safety include instruction about the dangers of getting involved with gangs. Community service lessons focus on the spirit of volunteerism and community pride. A weekly workshop on conflict resolution is also provided by staff from the Gloucester County Prosecutor's Office. All programs are provided in a safe atmosphere with the help of caring adults, including mentors from the Prosecutor's Office, local law enforcement and community organizations.

As part of the kick-off event in Glassboro, former National Basketball Association star Free provided a motivational message to students about positive alternatives to street gangs, and engaging in negative behavior. Free, a member of the Sixers from 1975 to 1988, serves as Ambassador of Basketball for the NBA team. In that capacity, he visits schools, recreation centers and playgrounds in the Delaware Valley region teaching the fundamentals of teamwork, basketball and life. Also on hand for the Glassboro kick-off event were Philadelphia 76ers and Flyers vice-president Dave Coskey and a host of community activists and parents.

#### ❖ *Bridgeton Site*

Another new launch site for PROJECT VISION in 2005 was the City of Bridgeton, in Cumberland County. As part of the Bridgeton PROJECT VISION effort, organizers developed a summer program known as the "Adventure Club/Inspireworks Digital Camp." Through the initiative, 24 junior and high school students from Bridgeton and the surrounding area worked to develop digital film projects reflecting their own

life experiences. At the session's end in August 2005, each participant had an opportunity to debut his or her "I Am" film for Attorney General Harvey and Cumberland County Prosecutor Ronald Casella, as well as to other students, parents, friends and community supporters.

Attorney General Harvey cited Inspireworks, a digital software company, as an excellent example of a private enterprise committed to working with the public sector to help young people make positive choices. Inspireworks specializes in creating digital learning content and hosts its own Digital Video production camp for children ages five through 17 throughout the year. In Bridgeton, the company provided a "mobile campus" equipped with computer stations and studios to enable the "PROJECT VISION" participants to develop their digital films.

To date there are PROJECT VISION programs operating in New Brunswick, Glassboro, Bridgeton and Plainfield. Additional PROJECT VISION sites are planned. PROJECT VISION is coordinated by Joi Taylor, Special Assistant to the Attorney General and Hedy Levine-Sabol, Division of Criminal Justice.

## Enforcement: Gangs, Guns and Drugs Initiative

While prevention efforts are an essential aspect of any anti-gang strategy, tough enforcement actions are also required to ensure that neighborhoods never become hostage to street gangs and their drug-and-weapons activity.

In 2005 the Attorney General's Office, through a variety of agencies and cooperative strategies, continued to keep the pressure on street gangs by arresting members and seizing illegal weapons.

In September, Attorney General Harvey and Division of Criminal Justice Director Vaughn L. McKoy announced that 16 people — including reputed local leaders and members of the violent "Bloods" street gang — had been arrested on drug and racketeering charges as part of a six-month investigation targeting a multi-million-dollar powder cocaine distribution network based in Trenton.

The arrests and charges resulted from an extensive, multi-agency probe known as Operation Capital City, and conducted as part of the Attorney General's "Gangs, Guns and Drugs" initiative. The investigation was led by the Division of Criminal Justice, the Mercer County Prosecutor's Office, the Trenton Police Department, and the U.S.

Drug Enforcement Administration (DEA). The Monmouth County Prosecutor's Office, Mercer County Sheriff's Department, Hamilton Township Police Department, and New Jersey National Guard also assisted.

Originally conceived to address escalating gang violence in Trenton, Operation Capital City at one point led investigators to cocaine suppliers in Texas.

As a result of the investigation, authorities seized cocaine with a street value of nearly \$1 million. Also seized was more than \$285,000, jewelry valued at \$200,000, seven vehicles, and numerous weapons, including a .45-caliber Thompson submachine gun, a 9 mm Intratec TEC 9 semi-automatic pistol, two shotguns, two rifles and seven handguns.

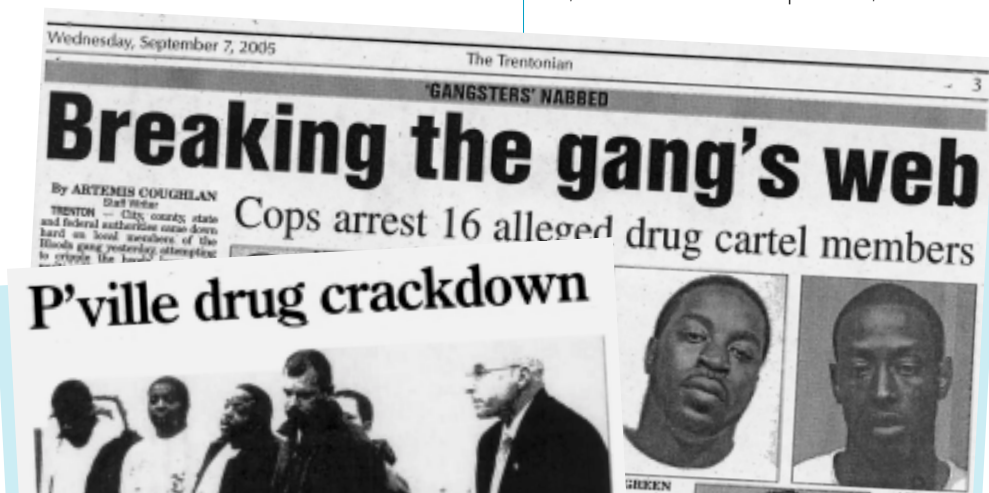
Among those arrested as a result of Operation Capital City were Omar Aikens, 25, of Trenton. Aikens was reputed to be Trenton's largest cocaine distributor, and an area leader of the "Sex, Money, Murder" faction of the "Bloods" street gang. Aikens was arrested on federal drug charges. He was remanded to federal custody after a bail hearing before a federal magistrate. Also charged was Bernard Green, a/k/a. Petey Black, 23, of Trenton. Green is the reputed area leader of the "Gangster Killer Bloods" faction of the Bloods. Green was previously charged with attempted homicide in connection with gang-related shootings in Trenton on August 28.

Assisting in the execution of search and arrest warrants related to the case were the New Jersey State Police Troop "C" TEAMS unit, and the Washington Township, Hopewell Township, Princeton Township and Princeton Borough police departments.

Other key enforcement-related efforts in 2005 included:

#### ❖ *Bloods*

The July 2005 arrest of more than 20 people after an extensive investigation in and around Newark dubbed "Operation Brick House." The operation exposed a direct connection between street-level heroin sales by the Bloods street gang and a Colombian cartel supplier. Begun in September 2003, the investigation resulted in the issuance of arrest warrants for 24 persons in New Jersey and New York. Operation Brick House also pointed to large-scale heroin distributors operating in the Essex County area. These individuals were responsible for distributing approximately one pound of packaged heroin each week within Newark. The heroin eventually made its way to other locations within New Jersey as well, including New Brunswick, Asbury Park and Paterson. Operation Brick House identified a nexus between street gangs, street level drug sales and international drug cartels. A cooperative effort involving State Police, the federal DEA, and the East Orange and Newark Police Departments, Operation Brick House initially targeted alleged heroin sales by Bloods members in and around the Felix Fuld Public Housing Complex in Newark. The complex, also known as "Little Bricks,"



had been rampant with violence and drug distribution run by members of the Bloods street gang. Luis Manuel Antonio Estevez of New York was identified as a key supplier, allegedly selling large amounts of packaged heroin to dealers in Essex County. The same heroin was eventually sold to Bloods street gang members. Estevez was arrested by members of the New Jersey State Police Street Gang Bureau and charged with being the leader of a narcotic distribution network, racketeering and conspiracy. He was jailed in lieu of \$2.5 million bail. Also participating in Operation Brick House were the Essex County Prosecutor's Office, federal Immigration and Customs Enforcement Administration, United States Marshall's Service, New York City Police Department, and the Tinton Falls Police Department.

### ❖ *Latin Kings*

The indictment in June 2005 of six members of the notorious Latin Kings Street Gang on charges including criminal conspiracy, attempted murder, aggravated assault, and weapons violations related to the 2004 attempted murder of a former gang member. The charges resulted from a continuing effort by the Attorney General's "Gangs, Guns and Drugs" initiative and the Division of State Police's Street Gang Bureau targeting violent street gangs operating throughout New Jersey. The indictment resulted from an intensive investigation conducted by the North Bergen Police Department and the New Jersey State Police Street Gang Unit. The Division of Criminal Justice's Organized Crime & Racketeering Bureau coordinated the prosecution. The investigation focused on the August 2004 stabbing and slashing of a former gang member by local chapter leaders and fellow members of the Almighty Latin King and Queen Nation street gang operating in Jersey City.

### ❖ *Other Gangs*

The arrest, in March 2005, of 12 members of an organized drug trafficking cartel based in and around Pleasantville, Atlantic County. Members of the cartel were allegedly responsible for operating and controlling a major portion of the powder cocaine and "crack" cocaine trade in the Pleasantville/Atlantic City area, parts of lower Camden County, and parts of Cumberland County. Known as "Operation Pleasant Streets," the investigation focused on a group that had increased its illicit narcotics dealing activities after a successful raid by state and local agencies, in March 2004, had resulted in the arrest of 22 persons trafficking in cocaine and marijuana out of the Stanley Holmes public housing development in Atlantic City in 2004. Operation Pleasant Streets was a collaborative effort between the Atlantic County Prosecutors' Office, Pleasantville Police Department and the Division of Criminal Justice within the Attorney General's Office. "Operation Pleasant Streets" also resulted in the confiscation of two kilo-

grams (approximately four pounds) of cocaine with a street value of more than \$100,000 and more than 11 ounces of processed crack cocaine. Additionally, more than \$10,000 in cash was seized, along with two illegal handguns.

## AG, NJSP Issued State's Most Comprehensive Gang Survey Yet

Also in 2005, the Division of State Police released the results of an exhaustive survey on street gang activity throughout the state. The survey placed the number of street gang members operating in New Jersey at nearly 17,000, and the number of gangs at nearly 700. Based on a 2004 State Police Gang Bureau survey of law enforcement personnel in the 479 municipalities that maintain full-time police departments — 91% of those departments responded — the survey provided the most comprehensive, law-enforcement-based estimate of street gang membership issued in New Jersey to date.

In addition to providing a statistical picture of the street gang presence in New Jersey, the survey offered compelling anecdotal evidence that gang activity is on the rise statewide. For example:

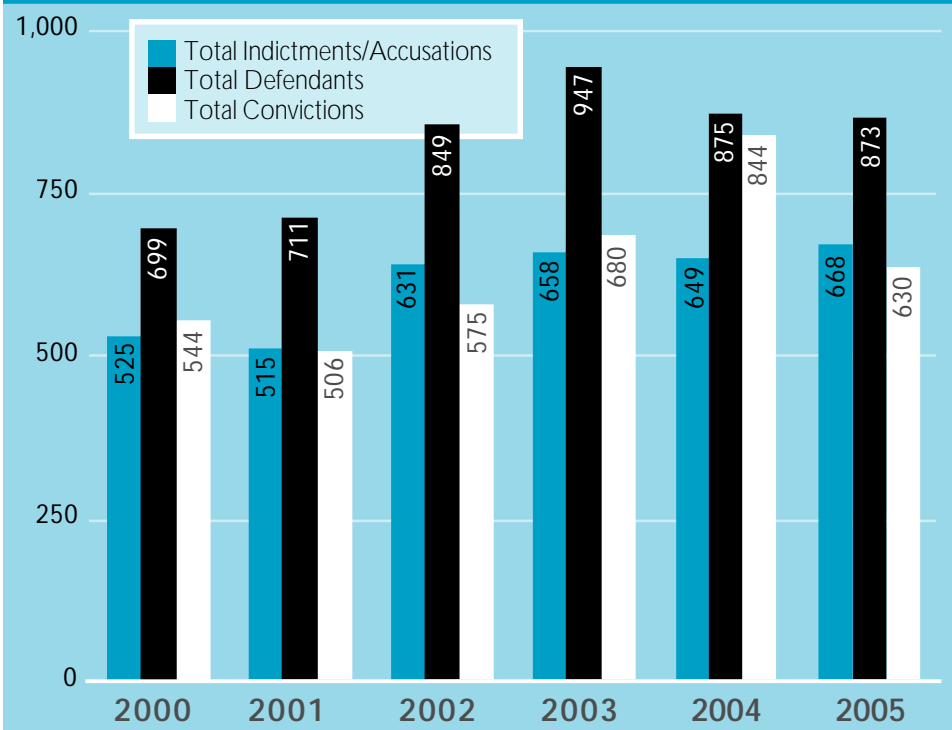
- ❖ 28 gangs in New Jersey have more than 100 members. Those 28 gangs account for 56% of all gang members within the state.
- ❖ 22 street gangs were reported to have a female membership of 25% or more. Within the statewide membership of 16,700 gang members, the ratio of male gang members to female gang members is about 9-to-1
- ❖ In 39% of responding suburban municipalities, police reported the presence of gangs in their towns, an increase of 27% compared to 2001.
- ❖ Approximately 17% of all reported homicides in New Jersey involved gang members.

- ❖ There are more than an estimated 2,300 gang members in New Jersey under age 15. Statewide, 18-to-24-year-olds form the largest single subgroup of gang members, followed by 15-to-17-year-olds, and then those older than 24.

## Education: Award Winning Anti-Gang Video

A powerful gang awareness video created by the Attorney General's Office in cooperation with New Jersey Network (NJN) continued to circulate to an ever-widening audience of parents, educators, law enforcement members and other community stakeholders, informing them — in visceral terms — about the true nature, and societal toll, of gang activity in New Jersey. Entitled "Gangs, Guns and Drugs," the video received international recognition via several prestigious media excellence awards in 2005, including three Telly Awards and one award from the intermedia World Media Festival. The video was one of more than 10,000 entries in the international Telly Awards competition, where it won awards in three separate categories. The Telly Awards is the premier award honoring outstanding local, regional, and cable TV commercials and programs, as well as the finest video and film productions. The Telly Awards annually showcases the best work of the most respected advertising agencies, production companies, television stations, cable operators, and corporate video departments in the world. At the World Media Festival in Hamburg, Germany, "Gangs, Guns, and Drugs" won a silver intermedia-globe award. Although many American videos were entered in the competition, few entries from the United States won an award. View the video at [www.NJGangFree.org](http://www.NJGangFree.org).

## Division of Criminal Justice Statistics







# Homeland Security: Continuous Evaluation, Strengthening of New Jersey's Preparedness

**I**n 2005, disastrous events — both contrived and real — tested the domestic preparedness and emergency management resources of the New Jersey Attorney General's Office like nothing had tested them before.

In the end, it was an experience that demonstrated both the exceptional capabilities of New Jersey's emergency response systems and the advantages of having a unified system of law enforcement and emergency response in New Jersey.

The Attorney General's Office continued to work with other agencies of government and the private sector in developing, and putting in place, innovative strategies for protecting New Jerseyans in their homes, at school, when traveling and elsewhere.

"In a post September-11 world, there is no question that our leading priority continues to be domestic preparedness and emergency readiness," said Attorney General Harvey, who serves as Chairman of the Domestic Security Preparedness Task Force. "Owing to a variety of factors — our state's high population density and diversity, our industrial base, our ports and roadways, our coastal Shore resorts and our status as a global vacation destination — New Jersey is uniquely

vulnerable, and we must be ready to deal effectively with a terrorist attack or other disaster."

The State put its preparedness capabilities to an unprecedented test in 2005 by participating in TOPOFF 3 (Top Officials 3), a rigorous, week-long preparedness exercise involving not only New Jersey, but Connecticut, Washington, D.C., the United Kingdom and Canada.

Mandated by Congress and overseen by the U.S. Department of Homeland Security, TOPOFF 3 was the most comprehensive terrorism response exercise ever conducted in the United States.

Agencies within the Attorney General's Office that took part in TOPOFF3 included the State Police, the Office of Counter-Terrorism, the Domestic Security Preparedness Task Force and the Division of Criminal Justice.

The massive exercise — and an earlier, table-top "cyber exercise" to explore potential terrorism-linked breaches of information technology — also involved many other agencies of government and law enforcement. Those agencies included the New Jersey Department of Health and Senior Services, the Office of Information Technology within the Department of Treasury, the FBI, the federal-state Regional Computer Forensics Laboratory (RCFL) in Hamilton, and a host of

*Homeland security requires around the clock vigilance aimed at protecting both New Jersey's people and vital infrastructure. In photo at right, a State Police helicopter flies past a nuclear power plant. Below, a State Trooper conducts a security check at a train station in Trenton.*





[www.nj.gov/oag/dsptf](http://www.nj.gov/oag/dsptf)

## Domestic Security Preparedness Task Force

Chaired by the Attorney General, the Domestic Security Preparedness Task Force was created by the New Jersey Domestic Security Preparedness Act of 2001.

Previously, there had been no Cabinet-level entity dedicated to the overall planning, coordination and oversight of New Jersey's homeland security efforts. By establishing and helping to maintain a co-operative effort among government agencies at all levels — and by working closely with officials in private industry at the same time — the Task Force has fostered unity in coordinating New Jersey's homeland-security-related initiatives. The preparedness-related work of the Task Force is crucial, because New Jersey is a hub of transportation and commerce, a "corridor state" for travelers, and a popular destination for vacationers, as well as those visiting educational, cultural, and recreational sites.

other local, state and federal entities.

The fictional, but compelling, premise for TOPOFF 3 was that intelligence had been intercepted suggesting terrorists were on the verge of carrying out a biological attack in New York City. As part of the mock-disaster scenario, the terrorists realized at some point that their plan had been uncovered and, as a result, resorted to another strategy — one that involved the unleashing of a deadly plague on a college campus in northern New Jersey. The plague rapidly spread throughout the state, flooding hospitals with seriously ill patients and requiring the declaration of a State of Emergency. To deal with the anticipated need, antibiotics were requested from the national stockpile.

As part of the exercise in New Jersey, "patients" flooded emergency rooms at many major hospitals, gas-mask-wearing emergency responders performed search and rescue operations, and top officials within key public agencies were called on to make difficult decisions regarding such issues as intelligence sharing, deployment of personnel, attempts to avoid further spread of the pneumonic plague, and handling of the "ill" and the "dead." Although the TOPOFF 3 exercise was chillingly authentic in appearance and execution, the event was well publicized in advance, and went off without creating serious public concern or panic.

In the aftermath, New Jersey's TOPOFF response effort was praised for its overall quality by the U.S. Department of Homeland Security.

However, the exercise did provide evidence of certain systemic and other shortcomings. This was not particularly surprising or troubling news, since identifying areas of need so New Jersey could be better poised to respond to a real terrorist attack was the primary objective of TOPOFF 3 from day one.

Specifically, it was learned that medical examiners were not available 24 hours a day, a serious liability if the state had been under genuine attack. It was also recommended that morgues be moved out of hospitals because, in a real-life scenario, plague-infected corpses would have been occupying the same facility as people being treated for the plague. Communications problems also cropped up — typically involving the length of time involved in conveying critical information — leading to the conclusion that state, federal, local and private sector entities must streamline their

communications efforts. In addition, the sprawling TOPOFF 3 demonstrated that authorities had no reliable way to seal New Jersey's borders, control traffic, or evacuate a large number of people in a compressed period of time.

Despite the problems, Attorney General Harvey deemed the exercise to be a success because it showed that many protocols and response mechanisms currently in place are effective, while clearly delineating what improvements needed to be made.

### Best Security Practices Initiative with Private Industry

One of the key initiatives undertaken by the Domestic Security Preparedness Task Force is development — in partnership with the private sector — of Best Security Practices to protect the industries and infrastructure that are vital to New Jersey's economy and quality of life.

The public-private collaboration that is central to developing and maintaining "best practices" is achieved largely through liaison between the Task Force and the Infrastructure Advisory Committee (IAC).

The IAC is made up of 20 industrial sector groups including, but not limited to, representatives of such industries as construction, nuclear facilities, telecommunications, transportation, health care, agriculture, schools, food, chemical manufacturing and pharmaceuticals.

The IAC sector groups focus on developing and implementing specific measures — "best practices" — to prevent, respond to and recover from potential terrorist activities. On a continuing basis, the Domestic Security Preparedness Task Force works with the private sector in ensuring industry-wide compliance with these best practices.

In November 2005, the Task Force issued an order requiring implementation of "Best Practices Standards" for 165 chemical facilities that

*During a domestic preparedness exercise, law enforcement officers, firefighters and other emergency personnel work together to provide an effective response under secure conditions.*



*Sidney Caspersen  
Director*

## Office of Counter-Terrorism

Established by Executive Order in 2002, the New Jersey Office of Counter-Terrorism (OCT) reports to the Attorney General and complements the Domestic Security Preparedness Task Force. It provides the State with a centralized agency to evaluate threats to New Jersey. The OCT's mission is described in the Executive Order that created it as "identifying, detecting and deterring terrorist activity" by focusing on intelligence-gathering and analysis, investigations, training and helping to protect critical infrastructure. OCT's work falls into four main categories: Training Initiatives, Investigation/Intelligence Initiatives, Infrastructure Protection and Information Sharing and Outreach.

- *Sidney J. Caspersen, Director*
- *Edward Curran, Deputy Director*
- *Angela Labelle, Chief of Staff*

[www.nj.gov/oag/oct](http://www.nj.gov/oag/oct)



process extraordinarily hazardous substances. The order also requires facilities to review whether they can substitute less toxic materials in their processes and to involve workers and their collective bargaining representatives in security activities. This enforceable order will provide the public and workers greater protection from potential terrorist acts.

## Public Safety Communications Officer

In 2005, Attorney General Harvey appointed the state's first Chief Public Safety Communications Officer, a position designed to improve and coordinate New Jersey's public safety communications planning, funding and "interoperability" systems. The new position represents New Jersey's commitment to ensuring communications "interoperability" — the ability of public safety agencies to communicate across jurisdictions and disciplines when needed. The Chief Public Safety Communications Officer appointee is Raymond Hayling II. On January 19, 2005, State officials demonstrated technological solutions designed to enable personnel from different agencies and first-responder disciplines to communicate with each other using their existing radio equipment. During a demonstration held at Jersey City's Emergency Operations Center, first responders from federal, state, local and other agencies engaged in successful "interoperable" radio communication. Led by Hayling, 12 different agencies were connected by tuning to assigned frequencies in their own band that are then connected through a central dispatching center. The 12 agencies represented federal, county, state and municipal governments, and each operated on different radio frequencies among the 800 MHz, UHF and VHF spectrums. Prior to the January 2005 public demonstration, the system had been tested with more than 40 agencies, including the New York City Office of Emergency Management, the FBI, the NY/NJ Port Authority and other New Jersey public safety entities.

## Completion of School Security Audit Initiative

Launched in January, the Governor's School Security Initiative was a major priority of the Attorney General's Office. As a result, the State Police Infrastructure Security Unit was deployed to work with the New Jersey Department of Education and the Office of Information Technology to create a comprehensive checklist of school security measures, and to establish the program by which every school in New Jersey would be visited and audited by law enforcement and school officials.

State Police and Department of Education officials worked with local police departments to identify 45 D.A.R.E. and School Resource Officers who would train local officials to perform the security audits. In 60 training sessions, those officers trained more than 1,000 local law enforcement officers and 1,200 school officials.



*AG Harvey announces the Uniform Lawyer Identification Card Initiative at a December 2005 press conference in the NJ State Bar Association Law Center Library, New Brunswick.*

## Uniform Lawyer Identification Card Initiative Makes Courthouse ID Screening More Efficient, Reliable

As part of its ongoing commitment to reviewing security measures at public buildings and, where appropriate, strengthening them, the Attorney General's Office, the New Jersey Bar Association and County Sheriffs in 2005 announced the development of a uniform identification card for all attorneys to display when entering courthouse facilities. The new, standardized card is expected to make verifying the identity of lawyers licensed to practice in New Jersey easier for County Sheriff's personnel. (Sheriff's officers provide courthouse security for the state Superior Courts in each of New Jersey's 21 counties.) Currently, there are 21 different lawyer identification credentials in use throughout the state. Those credentials vary depending on where they were issued, causing occasional confusion, and sometimes resulting in delays for attorneys entering courthouses.

According to Attorney General Harvey, the idea for a standardized lawyer identification card was born out of discussions with the New Jersey Bar Association, the County Sheriffs Association and the Administrative Office of the Courts. The new, uniform identification card replaces the county-bar-association-issued cards currently in use by private attorneys.

The new identification system does not give lawyers an imprimatur to bypass security procedures, Attorney General Harvey noted. Rather, it allows sheriffs' officers to establish separate lines or entrances for attorneys while maintaining a consistent level of security screening. The system is intended to provide a more efficient lawyer entry process, thus limiting security-related logjams that can delay pending cases before juries and judges.

New Jersey's 21 County Prosecutors' Offices coordinated and tracked the audits. Within six months, the Homeland Security Branch of the Division of State Police completed security audits at 3,350 schools. Information collected in the audits led to the creation of key recommendations for strengthening security measures at New Jersey public schools. (A second phase of survey activity was also to be conducted focusing on private schools throughout the state.) As part of the statewide school security initiative, State Police provided — and continue to provide — guidance and training with regard to school visitor access policies, the handling of bomb threats and suspicious packages, and creation and enhancement of contingency action plans.





gation. In some cases, hospitals did not notify law enforcement authorities about their suspicions, or disclose them to other potential employers who contacted them about Cullen.

Based on his discussions with Cullen, Attorney General Harvey said the most significant issues confronting health care officials and government regulatory agencies include: employee screening practices, controlling access to medications (particularly lethal ones), and devising systems that employees will understand provide "a certainty of detection" should they attempt to harm patients. Once interviews with the admitted serial killer are complete, information and perspective provided by him will help form the basis of recommendations to the New Jersey Board of Medical Examiners, and the state Nursing Board.

As 2005 wound to a close, investigations into whether Cullen should be charged with additional patient murders were continuing in several New Jersey counties including Essex and Morris. There was no formal sentencing date yet established for Cullen, who avoided the death penalty by pleading guilty and agreeing to cooperate with prosecutors and health care officials.

## McGuire Murder: Cutting-Edge Forensics and Careful Investigation

In June 2005, Attorney General Harvey announced the arrest of Melanie McGuire, the wife of a murdered Middlesex County man whose remains had been discovered a year earlier in three suitcases found along the coast in Virginia Beach, Virginia.

McGuire was arrested in Metuchen for murdering her husband. She was arrested on June 2, 2005 by New Jersey State Police Detectives and investigators with the Division of Criminal Justice after her car was stopped by a marked State Police cruiser.

The nature of the homicide was extraordinarily brutal. The victim, William McGuire, was shot in the head and chest and dismembered. But there were other extraordinary factors as well. A nurse, McGuire was the mother of two young sons — ages 4 and 5. She had been taken into custody only moments after dropping their children off at day care. McGuire had acknowledged being involved in an affair with a doctor at the fertility clinic where she worked. And, in yet another soap-opera-like development, an anonymous letter turned up following McGuire's arrest suggesting to law enforcement — and at least one newspaper — that McGuire had been framed by a relative of her murdered husband. The letter was delivered to the Division of Criminal Justice, but Assistant Attorney General Patty Prezioso maintained in court that the State had sufficient evidence to suggest the suspect, Melanie McGuire, had penned it herself.

Attorney General Harvey highlighted the hard work and cooperative effort of a number of law enforcement agencies in New Jersey and Virginia. Moreover, he cited the McGuire case as another example of how the effective application of cutting-edge technology is making a difference in solving crimes.

"This intensive 'cold case' investigation utilized the latest criminal forensic investigative

techniques and is an example of what can be accomplished by a veteran homicide prosecutor, detectives, investigators, and forensic scientists doggedly pursuing justice," Attorney General Harvey said.

The investigation was coordinated by Assistant Attorney General Prezioso, of the Division of Criminal Justice, Lt. Paul Morris of the New Jersey State Police Major Crimes Unit, and Deputy Chief State Investigator Joseph Buttich, Division of Criminal Justice. The investigation was conducted by State Police Det. Sgt. David Dalrymple, of the State Police Major Crime Unit and State Investigator Donald Macciocca of the Division of Criminal Justice, along with specialized investigators from both agencies. The Middlesex County Prosecutors Office, the Woodbridge Police Department, the Virginia Beach Police Department, and the (Virginia) Commonwealth's Attorney provided investigative assistance.

Melanie McGuire is charged not only with murdering her husband, but with perjury. The perjury charge is related to her seeking a court order, ostensibly to protect her from her husband, when she allegedly knew he was incapacitated or dead. An investigation into the possible involvement of accomplices in the murder continues.

*Publicity regarding the McGuire case was so heavy that it received national coverage including a feature in People Magazine.*



she filed after William vanished, she claimed he called her stupid and even threatened to kill her—though she didn't seek a restraining order until two days after he disappeared. (Following William's disappearance, Miller helped Melanie move, and he has testified before a grand jury.)

On April 26 Melanie allegedly used a fake Pennsylvania driver's license to buy a .38-cal. gun and bullets in Easton, Pa. She was indicted for shooting William between April 28 and May 5, once each in the head and chest, then, likely placin were dump

**People**  
**Ellen Tells All!**  
In told f and s she v then peak 22. Y tigt test: Will her CRACKING JOKES AND SHARING SECRETS, THE STAR TALKS ABOUT HER PAINFUL CHILDHOOD, HER ROMANCE AND HER INCREDIBLE COMEBACK

were waiters. "They seemed like two peas in a pod," says Jon Rice, a shipmate of William's who served as his best man at the 1999 wedding. So tight was their apparent bond that when William's remains were found, Rice's initial thought was, "There's no way Melanie could have been involved." But while friends regarded them as the perfect couple, trouble had been brewing. William, whose driver's license had been suspended 33 times and who loved to gamble, filed for bankruptcy





## Prosecuting Public Corruption; Protecting Public Dollars

In January 2005, State Assemblyman Anthony Imprevuto was sentenced to five years probation and a \$10,000 fine for misusing campaign funds.

A 17-year veteran of the New Jersey Legislature, Imprevuto was required to step down from his Assembly seat, barred from any future public employment, and ordered by the Court to repay \$50,000 in campaign funds that he admitted using for such personal expenses as vacation junkets, income taxes and a family wedding.

Throughout 2005, the Attorney General's Office, through its Division of Criminal Justice, State Police and Office of Government Integrity, continued to prosecute government officials, members of law enforcement and others whose actions betrayed the public trust — and cost taxpayers money.

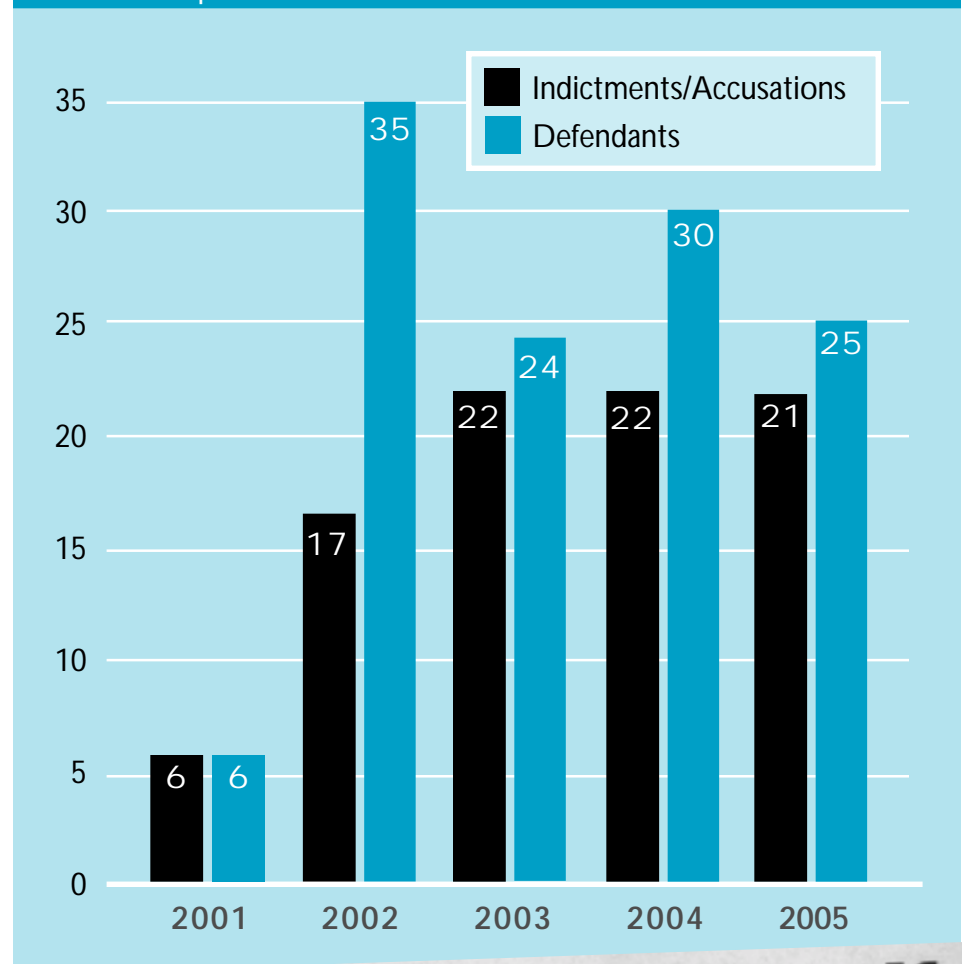
### Old Bridge Township Corruption Probe

On December 15, 2005, John P. Vincenti, former Director of Community Development/Township Engineer for Old Bridge Township, Middlesex County, pleaded guilty to a third-degree State charge of unlawfully receiving gifts by a public servant. As part of a plea agreement with the Division of Criminal Justice, Vincenti admitted to seeking — and receiving — financial favors from a local developer. The indictment charged that, from May 2003 through August 2003, Vincenti solicited and received \$3,800 from a development firm known as At-

lantic Realty, which was used to pay for landscaping services at his Ocean County residence. Atlantic Realty manages various housing developments in the Old Bridge Township area including Matchaponix Hills, Matchaponix Estates (Rocky Creek), and Presidential Estates. In his official capacity in Old Bridge Township government, Vincenti supervised the township engineering, planning and code enforcement divi-

sions. In addition to charging that Vincenti sought and accepted money from a developer, the original State indictment against him alleged that, when Vincenti learned the Division of Criminal Justice was seeking financial records and documents concerning his activities, he tried to thwart the investigation and induce potential witnesses to lie to a State grand jury. Vincenti was scheduled to be sen-

### Public Corruption Case Statistics



*These statistics show a consistently high level of productivity by the Division of Criminal Justice in prosecuting public corruption cases.*

## Official admits taking gifts

By LONNIE MACK  
STAFF WRITER

MIDDLESEX COUNTY: John P. Vincenti, who served as Old Bridge Township's engineer and director of community development, forfeited his job and his right to hold public office

### Tree services cost him his Old Bridge job

at his home in Brick from a Woodbridge developer.

Vincenti, 43, also will face up to five years probation and was ordered to

Frederick DeVesa on Feb. 24.

In exchange for Vincenti's guilty plea to receiving gifts as a public servant

of the Division of Criminal Justice, agreed to dismiss four other charges lodged against Vincenti in a January indictment. Those charges include official

servant, obstruction of justice and witness tampering.

While being questioned yesterday by his Roseland-based attorney, James

\$3,800 in tree-cutting services from Stonaker Tree Service, which was hired by Atlantic Realty Corp. Woodbridge to remove trees from his home property in Brick.

Atlantic Realty managed several Old Bridge area developments including Matchaponix Hills

tenced in February 2006, facing a maximum of five years in State Prison, a fine of up to \$15,000, and permanent debarment from public service.

The Vincenti indictment stemmed from an on-going investigation focused on allegations of bribery and corruption related to the Old Bridge Township engineering and code department. The investigation, conducted by state investigators assigned to the Division of Criminal Justice's Anti-trust and Procurement Fraud Unit, targeted additional allegations that public employees solicited money or favors from developers, contractors, and others doing business in the township in exchange for expedited or favorable service and rulings on applications, permits and inspections.

In March 2005, a second Old Bridge Township official, Engineering Inspector Barry C. Bowers, was indicted. Bowers, of Point Pleasant, was charged with two counts of second degree official misconduct, three counts of acceptance or receipt of unlawful benefit by a public servant, and six counts of gifts to a public servant.

As Engineering Inspector for Old Bridge, Bowers was responsible for the permitting functions of the department, including fee assessment and collection, applications and plan review, permit issuance, inspection and occupancy. The State's indictment charges that, at various times from 1999 through 2003, Bowers used his government position to solicit and receive gifts and favors for himself and others — including top-of-the-line kitchen cabinets and countertops, Andersen brand windows, a furnace and a garage door — valued at more than \$27,000 from developers and/or contractors doing business in Old Bridge. As of this writing, the Bower indictment remains pending.

## Ex-Bloomfield Personnel Director Sentenced to Prison for Embezzlement

The former Personnel Director for Bloomfield, Essex County, was sentenced to a five-year State Prison term and ordered to repay the municipality nearly \$500,000 in embezzled public funds after pleading guilty in 2005

to official misconduct. Joanne Tricarico, 56, of Lincoln Park, pleaded guilty on May 3, 2005 to a criminal Accusation charging official misconduct and theft by deception. In pleading guilty, Tricarico acknowledged that while employed as the Bloomfield municipal Personnel Director, she was responsible for managing a publicly-funded health insurance benefit account for township employees. The account was designed to reimburse township employees for pharmacy costs and prescription drugs. Tricarico admitted that, between January 1997 and March 2004, she wrote checks for personal use from the pharmacy account and attempted to cover up the thefts by making fraudulent entries in transaction journals used to record withdrawals from the pharmacy reimbursement account. As part of her sentence, Tricarico was ordered by a state Superior Court Judge to pay restitution of \$482,578 — the total amount she embezzled between January 1997 and March 2004.

## Essex County Investigator Charged With Theft of Cash from Corpse

In 2005, the Attorney General's Office charged an Essex County Prosecutor's Office investigator, 33-year-old John J. Cosgrove, with stealing money entrusted to him through his position as a crime scene investigator — money that should have been secured as

evidence in an ongoing murder investigation.

As a crime scene investigator, Cosgrove was required to process and photograph crime scenes involving homicides, carjackings, police shootings, and other first-degree crimes. The indictment alleged that, at a homicide scene in 2002, more than \$8,000 cash was found in the pockets of the victims' pants by Investigator Cosgrove, and that he took the money. (The murder victim was identified as Dennis "The Grip" Fiore.) In 2003, the New Jersey State Police and the Division of Criminal Justice's Organized Crime and Racketeering Bureau took control of the Fiore homicide investigation. The State's subsequent indictment charges Cosgrove with falsifying official police investigation and evidence reports to conceal his theft of the money.

The Cosgrove indictment came in the wake of ongoing investigations targeting corruption and misconduct in the Newark Police Department. Three Newark police officers were indicted by the State on misconduct-related criminal charges in 2004. Another Newark officer pleaded guilty in 2004 to targeting certain criminal offenders for extortion and theft.

## New Charges Against Top Official in Commerce Commission Probe

In July 2005, Attorney General Harvey announced that an ongoing Division of Criminal Justice investigation targeting public corruption in the cabinet-level New Jersey Commerce and Economic Growth Commission had resulted in additional criminal charges against Lesley Devereaux, the Commission's former chief-of-staff and vice-president of operations.

Specifically, a state Grand Jury indictment charged Devereaux, of Piscataway, with theft by deception, tampering with public records, and forgery. Devereaux had already been indicted in December 2004 on charges of official misconduct. The 2005 charges resulted from a continuing investigation by the Special Prosecutions Bureau within the Division of Criminal Jus-

### Investigator arraigned in theft of evidence

Lawman denies taking cash off body

BY GUY STERLING  
STAR-LEDGER STAFF  
An Essex County Prosecutor's Office investigator facing charges he stole more than \$8,000 found on

## Ex-Hudson legislator gets probation, \$10,000 fine

Impevuduto also must repay \$50,000 in embezzled funds.

BY DANIEL MURPHY  
STAR-LEDGER STAFF

Former Assemblyman Anthony Impevuduto (D-Hudson) was fined \$10,000, placed on 180-day probation and required to repay \$50,000 in his sentencing hearing on charges he used campaign funds for political purposes and for his daughter's wedding and expensive spouse travel.

Three counts of embezzlement from public funds and one count of conspiracy were also charged. Impevuduto, 51, was indicted last year after a 17-year Assembly career that was a member of the Hudson County Board of Supervisors. In March 2004, he was indicted on charges of embezzlement and conspiracy. He was sentenced to 180 days in county jail and fined \$10,000. He was also ordered to repay \$50,000 in embezzled funds.

Impevuduto's attorney, Joseph J. DiStasio, said his client was "very sorry" for the charges and was "pleading guilty" to the charges. He said his client was "pleading guilty" to the charges and was "pleading guilty" to the charges. He said his client was "pleading guilty" to the charges and was "pleading guilty" to the charges.



## Sisters admit to scam for anti-homeless funds

By NINA RIZZO  
FREEHOLD BUREAU

Three sisters, including a Howell nurse, and four privately held corporations acknowledged in Superior Court in Mercer County Wednesday their participation in a scheme to defraud the state out of nearly \$24,000 in anti-homeless funds.

The investigation revealed that DCA paid \$33,859 for 14 fraudulent claims submitted by the women.

Four Cranford-based investment firms — C&C, E&C, F&C, and G&C — were also involved in the scheme.



tice. The probe uncovered new evidence that Devereaux — using an alias — had applied fraudulently for food stamps through the Middlesex County Board of Social Services.

The indictment alleged that Devereaux, a licensed attorney in New Jersey since 1989, collected nearly \$2,000 in food stamps from October 2000 through May 2001. During that period, Devereaux and her spouse allegedly earned \$60,000 in household income, all the while failing to report significant financial assets including the contents of several bank accounts. Devereaux remains free on bail while awaiting further court proceedings. The original, December 2004 indictment against her charged that she used her high-ranking government position to benefit herself and several family members.

Other corruption-related case highlights from 2005 included:

❖ **Three guilty of defrauding the Department of Community Affairs —**

In September 2005, three defendants — including a nurse, a waitress and a Certified Public Accountant — pleaded guilty to State charges that they participated in a scheme to defraud the New Jersey Department of Community Affairs (DCA) of more than \$33,800 in public monies earmarked to prevent individuals and families from losing their homes. The indictment was the result of an investigation focused on an alleged conspiracy to file false applications for financial benefits through DCA's Homelessness Prevention Program. The Homelessness Prevention Program provides grants to eligible individuals and families who, through no fault of their own, are in jeopardy of becoming homeless. The defendants were accused of falsifying applications for financial benefits made available by DCA between January and August 2004.

The three individuals who pleaded guilty were ordered by a Superior Court Judge to pay full restitution of \$33,859 to the DCA. At the time of the guilty pleas, one defendant was admitted into Pre-Trial Intervention. A second defendant was sentenced to probation. A third defendant was directed to forfeit her CPA license. That defendant, who was a landlord and the owner of four corporations charged in the case, was ordered to forfeit \$101,000 as part of the sentence imposed upon her and the corporations.

❖ **NJ Transit employee indicted —**

In April 2005, New Jersey Transit employee Douglas Deleeuw was indicted on charges related to the theft of more than \$23,000 in bus parts, and the sale of those stolen parts via the Internet. The State Grand Jury indictment charged Deleeuw with official misconduct and other corruption-related charges. Deleeuw is a former stock clerk at the New Jersey Transit Garage located in

Howell Township, Monmouth County. (His employment was terminated.) His alleged crimes took place between December 2003 and December 2004. In addition to charges of stealing bus parts and auctioning them, Deleeuw is also accused of trying to conceal the thefts and obstruct the State's investigation by, among other things, returning stolen parts to inventory. The indictment resulted from an investigation initiated by NJ Transit Police into the apparent removal of an excessive number of replacement bus parts from inventory at the Howell garage.

❖ **Office of Government Integrity obtains guilty plea from school construction contractor —**

In October 2005 Manny Bana, a former school construction contractor once based in Somerset County, pleaded guilty to criminal charges related to the embezzlement of nearly \$1 million in public funds earmarked for school construction and renovation projects in Edison Township. Bana, 38, pleaded guilty in Superior Court in Middlesex County to one count each of making false contract representation for a government contract, and theft of funds by failure to make required disposition. Both counts represent second-degree charges resulting from an investigation by the Attorney General's Office of Government Integrity (OGI). As the result of a plea agreement, Bana is expected to receive a five-year State Prison term, and to be ordered to pay an as-yet-undetermined amount of restitution and fines.

Bana was the sole owner and operator of the Somerville-based Icon Construction Corp., a company hired by the Edison Township Board of Education in December 2002 to act as primary contractor on nine different public school construction projects throughout the Edison district. The projects were funded in part by the New Jersey Schools Construction Corporation (SCC). An investigation by OGI revealed that Bana stole by accepting payments as primary contractor on the Edison school construction jobs, then withholding payment to six subcontractors hired to help with the work despite representing that he had paid those subcontractors. Attorney General Harvey noted that, while contractors failing to pay subcontractors is not a new problem, this is the first successful criminal prosecution of a contractor by the State for such conduct. Bana was indicted in connection with his Edison crimes in late March 2005. He turned himself in shortly thereafter. At this writing, Bana is free on \$25,000 bail pending formal sentencing in early 2006.



Tracy Thompson,  
Acting Director

## Office of Government Integrity

The Office of Government Integrity was created by Attorney General's Administrative Executive Directive in 2002. The agency consists of four units including: Fiscal Integrity in School Construction, Professional Responsibility, Criminal Matters and Attorney General Referrals. The Fiscal Integrity in School Construction Unit is charged with ensuring integrity in the financing and construction of school facilities, and the implementation of the State's Educational Facilities Construction and Financing Act (EFCFA) — the largest public works program in New Jersey history. Under the program, the State is spending up to \$8.6 billion to build and renovate public schools through the New Jersey Schools Construction Corporation (SCC). As part of its regular duties, the Fiscal Integrity in School Construction unit does integrity screening related to the pre-qualification of contractors and professionals seeking to handle SCC-funded school construction and renovation work. In 2005, the OGI completed more than 1,000 pre-qualification investigations and opened 220 new cases. The OGI's Professional Responsibility Unit monitors compliance by the Attorney General's Office, and County Prosecutors' Offices, with the Attorney General's Internal Affairs Policy & Procedures Manual. OGI is authorized to conduct operations audits of internal affairs units in order to identify systemic problems, find ways to eliminate actual or apparent conflicts of interest, and to assure the integrity of internal affairs investigations.

While the Division of Criminal Justice is the Attorney General's principal investigative and prosecutorial agency for criminal matters, the OGI's Criminal Matters unit has authority — and law enforcement powers — to investigate and prosecute cases as well. The Office of Government Integrity also handles other matters assigned to it by the Attorney General. While these referrals do not fall into any one category, most involve fact-finding reviews or investigations into conduct by government officials or government agencies.

- Acting Director, Tracy M. Thompson
- William Newsome, Chief Investigator

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# Making Neighborhoods Safer through Innovative Policing and Consistent Enforcement



**E**mploying a variety of strategies, the Attorney General's Office worked effectively with local and county level law enforcement in 2005 to protect urban neighborhoods.

## Camden Anti-Crime Partnership, Police Reforms Make Difference

A small city made up of diverse neighborhoods, Camden has been afflicted for decades by problems with violence, drug activity and other crime — typically on a scale disproportionate to its size. Recently, the city has been in the midst of a downtown and waterfront revitalization, making efforts to improve the public safety climate and quality of life in Camden neighborhoods even more vital. Enter the Camden Anti-Crime Partnership.

Made up mostly of New Jersey State Police personnel — about 40 of the 60 partnership members are Troopers — the partnership also includes personnel from the Camden County Prosecutor's Office, the Camden County Sheriff's Department, Camden City Police department, the Delaware River Port Authority Police Department (DRPA) and federal agencies. Its principal mission is to improve the quality of life throughout Camden by regularly conducting undercover, street-level drug investigations, prostitution sweeps, the towing of abandoned vehicles — a major public safety problem in Camden — the execution of outstanding warrants, and community outreach.

As of August 2005, the Camden Anti-Crime

Partnership had made nearly 900 arrests for the year, recovered 15 firearms, seized more than \$71,000 in illegally-gained cash, confiscated more than \$109,000 worth of narcotics, and towed 223 abandoned vehicles. Since it was first deployed in May 2002, the Camden anti-crime detail has been responsible for nearly 7,700 arrests, the seizure of 150 handguns and other firearms, confiscation of \$1.6 million worth of illegal drugs, recovery of \$712,000 in cash, and the towing of 2,650 abandoned vehicles.

## Attorney General Restructures Camden Police Department

In January 2005, Attorney General Harvey established the Attorney General's Commission on Camden Public Safety to evaluate the core police work of the Camden Police Department, and recommend improvements. As part of the effort, the Attorney General appointed well-known criminal justice professionals from around the country as members. He also sought out the assistance of the Rutgers Police Institute to gather information and data required by the Commission.

The Commission worked collaboratively in 2005 with the Attorney General's Office, the Camden County Prosecutor and the Camden Police Chief to develop a specific, comprehensive and clearly-articulated strategy for reducing fear, disorder and crime on the streets of Camden.

As a result of the Commission's work, the polic-

## Camden police prepare for a major shake-up

By Tracy Graham, Adam Elford  
CAMDEN CITY WRITER  
As part of a major reorganization to be rolled out this year, the police will divide the city into four districts and as-

## Camden begins an overhaul of its police force

CAMDEN (AP) — What we're trying to do is move from a 100-year-old police department to a community-oriented, problem-solving department, said Sarabli, whose office oversees the Camden police. "It's to be proactive as opposed to reactive."

### Highlights

Among the measures called for in the Camden Police Department's reorganization:

- Dividing the city into four districts, with a captain personally responsible for each part

## Police restructuring focuses on communities

By BILL DUMART  
Courier-Post Staff

### CAMDEN

Attorney General Peter Harvey on Tuesday told a crowd of about 150 community leaders that he hoped to "begin a relationship that will last for months and years to come."

Police Department into a community-accessible organization focused on crime prevention.

A blue-ribbon commission Harvey formed in December to evaluate police procedures produced the plan.

The action came after a Kansas-based crime analyst declared Camden the most dangerous city

der scrutiny this summer when it took officers nearly 48 hours to find three boys who dived the trunk of a car in a yard where they were playing.

After an hour of speeches and a PowerPoint presentation Tuesday night, the crowd of 400 attendees at the Rutgers-Camden

## DRUG BUSTS TARGET OUT-OF-TOWNERS



## Banker and lawyer among 19 held

State AG says Irvington ring relied on suburban customers



ing approach in Camden was reshaped in several important respects:

❖ The most significant changes involved a commitment by Camden Police to strengthen policing efforts by putting more officers on the streets, and attempting where possible to have those officers establish a regular presence in assigned neighborhoods.

❖ A new "geographic" policing strategy divided the city into four police districts, each served by a Community District Advisory Council made up of police officers and community residents.

❖ Individual District Advisory Councils provide liaison between police and community residents, and provide a forum for the addressing of specific crime, quality of life and policing issues.

Through the geographic policing approach, neighborhood residents now see the same officers on patrol on a consistent basis, and have a district police captain they can approach with questions, concerns and suggestions. Through the new policing strategy, many of the principal issues confronting residents and police personnel in Camden are now being addressed at a more community-based level, as opposed to at central administration.

## Shooting Response Team

To strengthen law enforcement's response to shootings in Camden city, the Attorney General's Office also continued in 2005 to collaborate with other agencies on a Shooting Response Team initiative. Made up of State Police and Camden Police personnel, as well as detectives from the Camden County Prosecutors' Office, the team is on call to respond to any shootings that occur in Camden

*The Troop "C" Hamilton State Police Complex was dedicated in September 2005. The complex was dedicated to the memory of three Troopers.*



city. Through the availability of the team, law enforcement has been able to react more quickly, and function more comprehensively, in such areas as witness interviews, the gathering and analysis of forensic evidence, and a variety of other processes related to the investigation of shootings.

## Crime Mapping

In addition to the Shooting Response Team initiative, a new, computerized crime mapping system was launched in Camden in 2005. The new system allows police managers to determine more accurately where and when crime is occurring, vital information in deciding how best to deploy police personnel. As part of a continuing effort to advance its crime mapping capabilities, the Camden Police Department will be working in the future with crime mapping experts from Temple University in Philadelphia.

## Citizen Hotline

Also, a hotline has been established in Camden for the reporting of illegal gun activity. On the prosecution front, local, state and federal authorities have agreed that, barring extraordinary circumstances, the handling of criminal cases involving guns and violent crime in Camden will be "fast-tracked."

## Reducing Drug Trafficking in Irvington

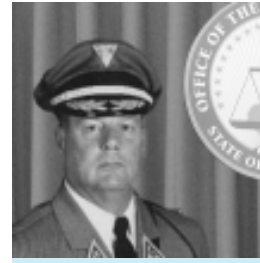
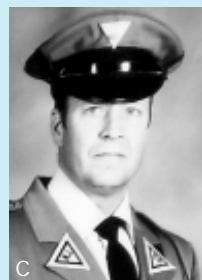
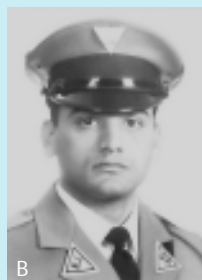
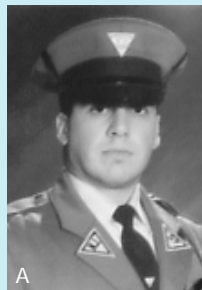
The Attorney General's Office — through its Divisions of Criminal Justice and State Police — made genuine inroads toward making communities safer through such efforts as "Operation Out-of-Towners Phase II" in Irvington, Essex County. A cooperative effort involving multiple agencies working under the Essex Anti-Crime Partnership banner, Phase II of "Operation Out-of-Towners" culminated with the arrest of 18 persons from six different counties on narcotics charges, and the seizure of 10 handguns.

## In Memoriam

A. Trooper  
Joseph P. Lentini, Jr.

B. Trooper  
Carlos M. Negron

C. Trooper  
Christopher S. Scales



Col. Joseph R. Fuentes,  
Superintendent

## Division of State Police

The New Jersey State Police conducts criminal investigations, enforces traffic laws on New Jersey toll roads and interstate highways, provides forensic science laboratory services to local law enforcement agencies, maintains criminal records and identification systems, and protects life and property on coastal and inland waterways. The State Police also provides protection and comprehensive police services in municipalities throughout the State where there is no local police department. The Division also coordinates emergency response services, including statewide response to natural disasters or terrorist incidents. For additional information, visit the State Police Web site below.

- **Colonel Rick Fuentes, Superintendent**
- Lt. Col. Thomas Gilbert, Chief of Staff
- Lt. Col. Juan Mattos, Jr., Deputy Superintendent of Operations
- Lt. Col. William Meddis, Deputy Superintendent of Administration
- Lt. Col. Frank Rodgers, Deputy Superintendent of Investigations
- Lt. Col. William Malast, Deputy Superintendent of Homeland Security
- Major John Hunt, Emergency Management Section
- Major James Grant, Identification and Information Technology Section
- Major Edward O'Neil, Intelligence Services Section
- Major Francis White, Commanding Officer of Division Human Services
- Major Gayle Cameron, Administration Section
- Major James Fallon, Commanding Officer of Investigations Section
- Major Drew Lieb, Special Operations Section
- Major Heidi S. Scripture, Field Operations Section
- Major Mark Weeks, Troop A Commander
- Major Allen DelVento, Troop B Commander
- Major Lanuel J. Ferguson, Troop C Commander
- Major Matthew Walker, Troop D Commander
- Major Daniel Cosgrove, Troop E Commander
- Major Wendy Galloway, Community Partnerships Troop Commander
- Major Robert Cicchino, Office of Professional Standards

[www.NJSP.org](http://www.NJSP.org)



"We went back to Irvington and arrested criminals who had continued to erode the safety and quality of life there," said Attorney General Harvey. "We will continue to reclaim the streets of our state from drug dealers, gang members and others who threaten the safety, and quality of life, of ordinary citizens."

The Essex Anti-Crime Partnership has approximately 50 persons assigned to it, more than half of them members of the State Police. In addition to State Police, the following agencies contribute members: the Division of Criminal Justice within the Attorney General's Office, the Department of Corrections (New Jersey Parole Board), Irvington Police Department, Essex County Prosecutor's Office, Essex County Sheriff's Office and the New Jersey Juvenile Justice Commission. Operation Out-of-Towners involved not only those partnership agencies, but 13 other agencies including municipal police departments and county prosecutors' offices.

As of November 2005, more than 900 arrests had been made as a result of the Essex Anti-Crime Partnership's work. In addition, 57 firearms had been seized. Since its inception in mid-2003, the partnership has been responsible for 2,446 arrests, 155 firearms recovered, and \$218,000 in illegal currency confiscated.

At a Town Hall Meeting in Irvington on August 26th, 2004, State Police Superintendent Colonel Rick Fuentes instructed members of the Essex County Anti-Crime Partnership to convey a message to the criminal element within the township of Irvington. The message was that state-level law enforcement would work aggressively, and cooperatively, to eliminate organized criminal groups, including street gangs and narcotics trafficking networks in Irvington.

Subsequently, the Essex County Prosecutor's Office and New Jersey State Police launched an extensive investigation into a criminal enterprise that included narcotics trafficking, illegal sale of weapons and threats of violence — including a proposed "hit" on one of the enterprise's rivals. The drug operation, based in Irvington and surrounding municipalities within the Essex County

area, provided a steady flow of drugs and weapons — cocaine, ecstasy, marijuana, prescription drugs, and semi-automatic handguns — to a suburban clientele within Passaic, Morris, Essex, Union, Hudson, and Middlesex counties. The network also serviced an urban clientele with ties to street-level drug dealing.

The drug ring, allegedly controlled by Rodney J. Coleman, 42, of Irvington, also conducted illicit activities in concert with a New York City narcotics trafficking source, which supplied large quantities of narcotics on a weekly basis. In late December 2004, investigators brought to fruition Phase I of "Operation Out-of-Towners" arresting 13 persons, confiscating three kilos of cocaine with a street value of \$225,000, seizing four handguns, and seizing other assets as well. It is also believed that the late-December raid prevented the planned murder of a drug ring rival.

## Hurricane Katrina: State Musters Real-Life Disaster Response

While TOPOFF 3 taxed preparedness and emergency response capacities under controlled conditions, helping the hard-put residents of New Orleans in the aftermath of Hurricane Katrina put some of New Jersey's response capabilities to a real life test.

Ultimately, New Jersey's Operation L.E.A.D. effort not only helped a "neighbor" in need, it also strengthened the state's own ability to mobilize in response to disaster by requiring a multi-agency partnership under actual disaster conditions.

When Katrina first blew through New Orleans, the destruction caused by the broken levees was beyond anything Louisiana state and local authorities were prepared to deal with.

Through the Emergency Management Assistance Compact (EMAC), a mutual aid agreement between New Jersey and Louisiana a team was forged and the "Louisiana Emergency Assistance Deployment" was born.

To make this deployment possible, the State Office of Emergency Management, led by Colonel Fuentes, Lieutenant Colonel William Malast, and

Major John Hunt, worked with groups representing the Department of Health and Senior Services, Department of Transportation, Department of Military and Veterans Affairs, the State Fire Marshall, all 21 county offices of emergency management, all 21 county prosecutors and a host of other entities.

The early days of New Jersey's response included the efforts of State Police Task Force One, the urban search and rescue specialists who were deployed with their pontoon boats from army helicopters into still-flooded areas. The other critical job for first-arriving members of the New Jersey team was to make logistical preparations for New Jersey's larger Operation L.E.A.D. task force. Without these crucial arrangements, New Jersey personnel would have been an added burden to the State of Louisiana's emergency management efforts. Through effective planning and coordination, New Jerseyans were able to hit the ground running.

On September 3, the first caravan of New Jersey State Troopers — along with local and county officers and civilian support staff — left from Troop C headquarters in Hamilton, Mercer County and drove to New Orleans. After being sworn-in as special officers with full police powers, the New Jersey contingent set up camp in a high school gymnasium and immediately began working to help bring law and order to a chaotic environment.

The New Jersey task force took on patrol responsibilities in the devastated Second and Sixth districts, including night patrols in areas in which looting and gunfire had been commonplace. Members also began the grim task of search and rescue, responding to more than 4,000 "911" calls that had been unanswered since the day the levees broke. Donning Tyvek suits and respirators, State Troopers and other law enforcement officers entered homes and recovered more than 115 bodies.

On the brighter side, Operation L.E.A.D. members were responsible for rescuing 67 people and 267 animals, giving first aid to 115 people, assisting in more than 2,000 humanitarian deliveries, performing more than 4,000 decontaminations of people, vehicles and even pets.

Local officers and residents expressed much gratitude for the work New Jerseyans did in New Orleans. Meanwhile, law enforcement executives from the region expressed admiration — and a degree of surprise — at the self-sufficient nature of the New Jersey task force. New Jersey members arranged for their own food, shelter, first aid, equipment, maintenance and even radio communications network.

By the time New Jersey's Operation L.E.A.D. turned over the reins to local authorities on October 12, more than 600 personnel from across New Jersey had taken part in the unprecedented effort. New Jersey is better prepared to handle any future emergency because of its post-Katrina deployment in New Orleans.



*New Jersey State Troopers were deployed to Louisiana in the wake of Hurricane Katrina to help provide security and assist with emergency operations.*



# Enforcing Nation's Oldest, Strongest Civil Rights Law; Ensuring Equal Treatment

In 2005 the Attorney General's Office, through its Division on Civil Rights (DCR), worked vigorously to protect the civil rights of all persons by investigating and prosecuting discriminatory conduct, and by continuing to spread awareness through public outreach of the civil-rights-related obligations of employers, housing providers, health care facilities and others. The year 2005 also marked a milestone in state civil rights history, as New Jersey observed the 60<sup>th</sup> Anniversary of its Law Against Discrimination (LAD), the nation's oldest and most comprehensive state civil rights statute.

## New Services for the Hearing Impaired in Hospitals

In December 2005, AG Harvey announced a new initiative — launched in conjunction with the New Jersey Hospital Association (NJHA) — that will result in improved communication between hospital care providers and patients who are deaf or hard of hearing at more than 100 hospitals throughout the state.

The bedrock of the new initiative is an agreement by 122 NJHA member hospitals to provide sign-language interpreters, assistive listening devices and other "reasonable accommodations" to ensure that persons with hearing loss have access to the same quality of communication with hospital staff as any other patients.

"By law, deaf and hard of hearing patients have a right to the same level of hospital care that anyone else receives. However, equitable treatment cannot be assured — and quality of care may very well be compromised — if communication falters from the outset," said Attorney General Harvey in announcing the new agreement.

There are an estimated 720,000 deaf or hard of hearing persons in New Jersey alone. Advocates agree the number could be substantially higher because it is often difficult to identify those with hearing loss. Absent the services of a sign language interpreter, assistive listening device or other accommodation, deaf and hard of hearing persons often experience difficulty in conveying vital information about their symptoms and medical histories. In addition, patients with hearing loss have complained about being placed in the awkward — and potentially harmful — position of relating sensitive medical or personal information through friends and relatives, including small children.

Complex interactions — the discussion of symptoms, personal history, medical diagnosis,

treatment options, etc. — typically require a certified sign language interpreter, assistive listening device or other accommodation to ensure that vital information is communicated accurately, and in keeping with "informed consent" and patient confidentiality requirements.

By virtue of the New Jersey LAD and the federal Americans with Disabilities Act (ADA), hospitals are required to provide deaf and hard of hearing patients — as well as deaf or hard of hearing third parties who have a legal right to health care information and/or authority to make health care decisions — with an effective means of communicating with hospital staff. The means of communication must be provided with minimal delay, and at no cost to the patient or third party needing the service.

While the law does not require hospitals to provide every service requested by a person with hearing loss, it does require an accommodation that is "reasonable" under the specific circumstances.

As part of the joint initiative, NJHA hospitals agreed to post signs throughout their facilities — including the admissions, registration and emergency care areas — informing persons who are deaf or hard of hearing that the hospital provides reasonable accommodations to individuals who suffer from hearing loss. The hospitals also agreed to assess the individual needs of those who request an accommodation, and provide them with written materials describing the types of services available, and reminding that the services are free. Additional information about the initiative is available by visiting the Division on Civil Rights Web site at [www.NJCivilRights.org](http://www.NJCivilRights.org) or the New Jersey Hospital Association Web site at [www.NJHA.com](http://www.NJHA.com).



*J. Frank Vespa-Papaleo  
Director*

## Division on Civil Rights

The Division on Civil Rights is responsible for enforcing the New Jersey Law Against Discrimination (LAD) and the Family Leave Act (FLA). The two laws were enacted to discourage discrimination in the workplace, in housing, and in public accommodations. The Division investigates allegations of discrimination, and serves as a fair and impartial forum for the airing of formal complaints. In a broader sense, the Division's mission is to foster sensitivity, acceptance and respect among all individuals.

*Director, J. Frank Vespa-Papaleo, Esq.  
Assistant Director, Gary LoCassio  
Assistant Director, Philip E. Freeman*

[www.NJCivilRights.org](http://www.NJCivilRights.org)

### Ensuring Open and Effective Communication In Hospitals

#### For Persons Who are Deaf or Hard of Hearing

The New Jersey Hospital Association, a representative organization comprised of over one hundred member hospitals, is working with the New Jersey Attorney General, including the New Jersey Division on Civil Rights, to ensure that hospitals as places of public accommodation are fully accessible to everyone, including people who are deaf or hard of hearing. This fact sheet is intended to assist hospitals and patients in understanding the New Jersey Law Against Discrimination (LAD) as it applies to accommodating the needs of individuals.

#### FACT SHEET



## Access to Movie Theaters for Hearing and Visually Impaired

In a related development in 2005, the Division on Civil Rights filed an amended discrimination complaint against Regal Entertainment Group, one of the nation's largest multiplex theater companies, for failing to install technology that would provide access to first-run movies for deaf and hard of hearing patrons, as well as for the blind and visually impaired.

The amended complaint contained a new claim that Regal had violated the New Jersey LAD by failing to install in its theaters the Descriptive Video Service (DVS) Technical System, a system that delivers narration for the blind and visually-impaired enabling them to better follow the action of a movie. DVS provides narrative descriptions through infrared listening systems, which the blind and visually impaired hear through audio headsets. The descriptions heard by DVS users provide information about key visual aspects of films — for example, action settings and scene changes — making the movie experience more meaningful for those with vision loss.

The amended complaint also alleged that

Tennessee-based Regal had violated the LAD by failing to install certain captioning systems that would allow the deaf and hard of hearing to enjoy first-run movies.

Many persons with hearing loss have been unable to fully experience first-run Hollywood movies in a theater setting due to a lack of adequate captioning. Some speak of their sadness at seeing their deaf or hard of hearing children miss the thrill of experiencing a popular new movie, as their hearing friends do, or of not being able to share the experience with their children.

In 2004, the Attorney General's Office and Division on Civil Rights spearheaded a legal initiative that helped ensure that persons with disabilities would have the same opportunity to enjoy first-run movies as everyone else. Through settlement agreements with four major movie chains operating in New Jersey — American Multi-Cinema (AMC), Loews Cineplex Theaters, Clearview Cinemas, and National Amusements — the State brought cutting edge deaf captioning technology to multiplex theater screens across New Jersey.

(In addition, AMC, Clearview and National Amusements agreed to install the DVS technol-

ogy.) As a result of the deaf captioning agreements, New Jersey improved from three to 38 screens that offered new captioning technology for the deaf and hard of hearing — more than any other state. In each case, the four participating theater chains chose a form of closed captioning known as Rear Window Captioning. However, the Attorney General's Office made plain that it viewed either Rear Window Captioning or another approach, known as Open Caption Projection, as "reasonable" accommodations for the deaf and hard of hearing, and had no preference.

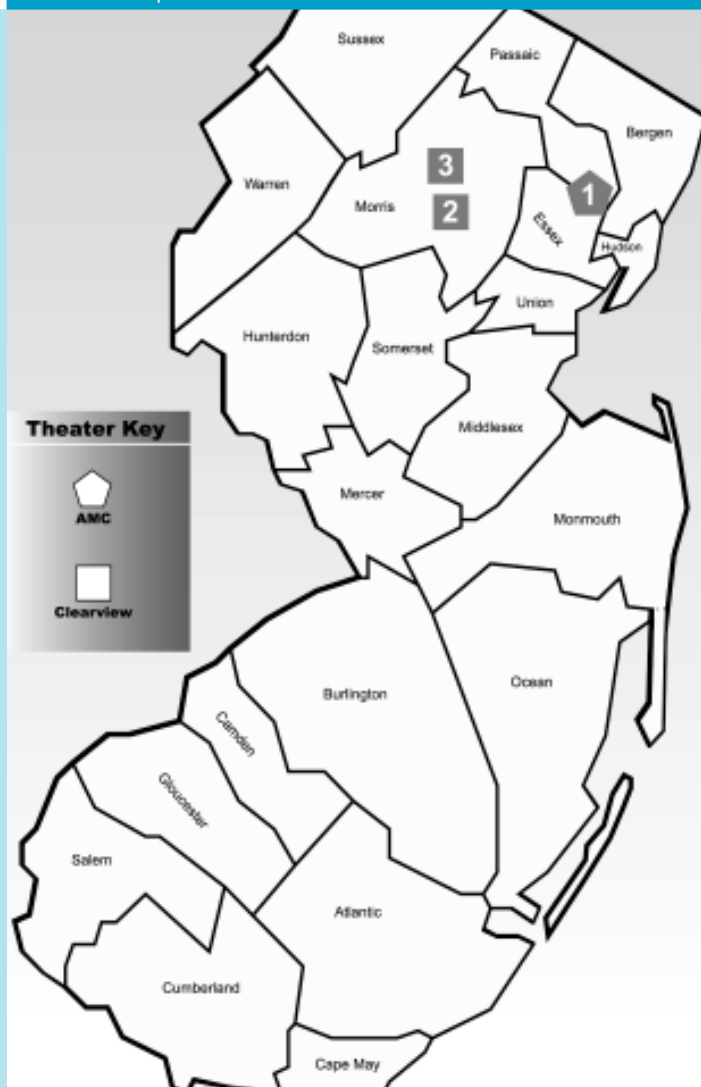
## Anti-Discriminatory Enforcement and Education

Other outreach efforts, initiatives and cases from 2005 included:

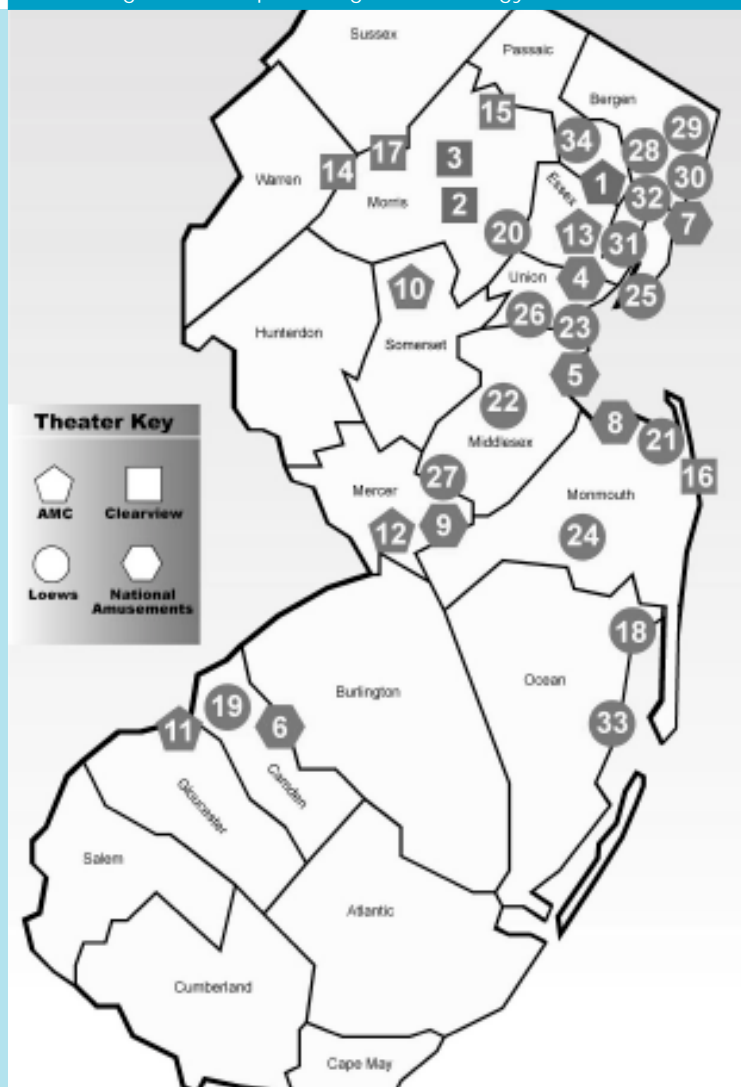
### ❖ Shopping Center Access

The obtaining of commitments from six major shopping centers in New Jersey to better accommodate persons with disabilities by either installing automatic doors for the first time, or installing additional automatic doors and making other changes. As part of a statewide shopping

## Before Agreements with Multiplexes - 3 Screens



## After Agreements Installing New Captioning Technology - 35 Screens





mall accessibility initiative, Division on Civil Rights staff began testing the accessibility of entrance and exit areas at 28 shopping malls throughout New Jersey in late 2004. As a result of the inspections, six malls were found to be deficient because they lacked power-assisted or automatic doors to accommodate shoppers with disabilities or impairments. The six malls included: Burlington Center in Burlington, Shore Mall in Egg Harbor Township, Newport Center Mall in Jersey City, Menlo Park Mall in Edison, Cumberland Mall in Vineland, and Cherry Hill Mall in Cherry Hill.

### ❖ Religious Discrimination

The issuance of a Finding of Probable Cause against Fairleigh Dickinson University for allegedly discriminating against a Muslim nursing student by requiring that she remove her religious head covering, known as a khimar. A Finding of Probable Cause is not a final resolution or a definitive determination that violations of the LAD have occurred. It means the State has completed its investigation, and determined there was sufficient evidence to support a reasonable suspicion the alleged conduct occurred. A Finding of Probable Cause moves a case to the next level procedurally. As of this writing, the matter remains pending.

### ❖ Disability Discrimination

The issuance of a Finding of Probable Cause against the community association at an Atlantic County condominium complex for failing to accommodate the needs of a blind resident endangered by a potentially hazardous condition in the parking area. Named as a Respondent in the Finding of Probable Cause document was the Community Association of Mays Landing. The Community Association was accused of creating a danger to a blind resident by failing to relocate a parking space that, when occupied, allegedly forced the man to deviate from his normal walking path to his mailbox. The matter remains pending.

In an unrelated disability discrimination case, the Division issued a Finding of Probable Cause against an Essex County auto supply firm, Herman's Auto Parts and Supplies of Irvington, for allegedly refusing service to a deaf man who tried to contact the business using a TTY or "telephone typewriter," and the services of a New Jersey Relay operator.

### ❖ Housing Discrimination

The issuance of a Finding of Probable Cause against two separate Passaic County landlords. In one case, the landlord was accused of denying housing to a prospective tenant after learning that his female roommate was an African American. In

the other, unrelated case, a landlord was accused of denying housing to a would-be tenant because he was Hispanic.

### ❖ Education

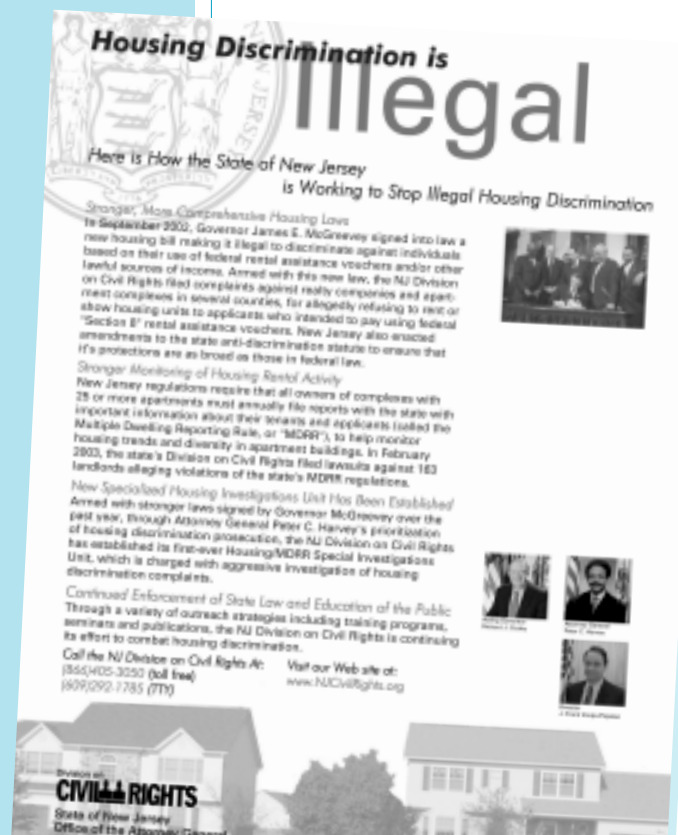
The holding of a public forum in June 2005, at Rutgers University in New Brunswick, focused on the rights of the gay, lesbian, bisexual and transgender communities. Entitled "Protecting Sexual Minorities from Discrimination in Employment, Housing and Public Accommodations," the forum was the first of its kind ever sponsored by the Division on Civil Rights. The goal of the program was educational — to help share with attendees the legal protections afforded to gays, lesbians, bisexuals and transgender persons under State law.

The Division on Civil Rights also convened its Second Annual Disability Law Conference: "Protecting the Rights of People with Mental Disabilities." Broken into two sessions on separate dates — one at Ancora Psychiatric Hospital in Camden County, the other at Bergen Community College in Bergen County — the free event drew an audience that reflected a cross-section of persons interested in the rights, and concerns, of those with mental or intellectual disabilities.

## Movie Theater Key

- |  |   |
|--|---|
| 1 Clifton Commons 16, Clifton                          | 17 Succasunna Cinema 10, Succasunna         |
| 2 Morristown Headquarters Theatre 10, Morristown       | 18 Brick Plaza, Bricktown                   |
| 3 Parsippany Cinema 12                                 | 19 Cherry Hill Theatre, Cherry Hill         |
| 4 All-Jersey Multiplex Cinemas, Newark                 | 20 East Hanover 12, East Hanover            |
| 5 Amboy Multiplex Cinemas, Sayreville                  | 21 Monmouth Mall 15, Eatontown              |
| 6 Atco Multiplex Cinemas, Atco                         | 22 Menlo Park 12, Edison                    |
| 7 Edgewater Multiplex Cinemas, Edgewater               | 23 Loews Jersey Gardens Theatres, Elizabeth |
| 8 Hazlet Multiplex Cinemas, Hazlet                     | 24 Freehold Metroplex 14, Freehold          |
| 9 Multiplex Cinemas at Town Center Plaza, East Windsor | 25 Newport Centre 11, Jersey City           |
| 10 Bridgewater Commons 7, Bridgewater                  | 26 Mountain Side 10, Mountainside           |
| 11 Deptford 8, Deptford                                | 27 Loews New Brunswick, New Brunswick       |
| 12 Hamilton 24, Hamilton                               | 28 Route 4 10 Plex, Paramus                 |
| 13 Essex Green 9, West Orange                          | 29 Route Seventeen 3, Paramus               |
| 14 Mansfield Cinema 14, Hackettstown                   | 30 Ridgefield Park 12, Ridgefield Park      |
| 15 Kinnelon 11, Kinnelon                               | 31 Meadow Six, Secaucus                     |
| 16 Middlebrook Cinema 10, Ocean Township               | 32 Plaza Eight, Secaucus                    |
|  | 33 Seacourt 10, Toms River                  |
|  | 34 Wayne 8, Wayne                           |

*The Attorney General's Office, through its Division on Civil Rights, has made combating housing discrimination a top priority. This brochure was distributed to landlords and real estate professionals, as well as others, to generate awareness of changes in the law pertaining to housing, and to remind that the DCR was determined to be proactive in investigating and prosecuting violators.*





# Removing Physical Barriers to the Ballot: Polling Site Inspection Initiative Continued in 2005

**A**lthough a new State law, enacted in 2005, enables any registered New Jersey resident to vote using a “no excuse” absentee ballot, it remains the commitment of the Attorney General’s Office to ensure that all eligible voters who choose to vote in person can physically do so.

With this commitment in mind, the Attorney General’s Office — largely through the work of its Division on Civil Rights and Division of Elections — continued in 2005 to pursue the State’s first-ever polling place accessibility initiative, formally known as Operation NJ-PAASS (Polling Accessibility for All Sites in Our State.)

To obtain an accurate sense of the scope and nature of New Jersey’s polling site accessibility needs, the Division on Civil Rights, at the direction of the Attorney General, initiated a

program of polling place inspections.

At the same time, the DCR was asked to collaborate with local election officials, advocacy groups and other stakeholders to develop a strategy to eventually make all New Jersey polling sites accessible. The result was Operation NJ-PAASS.

Launched in 2004, Operation NJ-PAASS consists of several key components including:

- ❖ a continuum of statewide polling place inspections, and the sharing of polling site inspection results with relevant agencies and community stakeholders
- ❖ the use of polling site inspection data to target polling places in need of relocation or, in the alternative, modifications that would make them 100 percent accessible to the disabled



*The Attorney General’s Polling Place Accessibility Initiative aims to ensure that every polling site throughout the State is physically accessible to voters with disabilities.*



❖ the use of training, education and information-sharing to generate greater awareness of the State's polling site accessibility initiative, and to encourage collaborative effort aimed at improving access for disabled voters

Owing to a number of factors, some neighborhood polling locations throughout the State have been, and remain, difficult — if not impossible — to access for persons with mobility-related impairments.

For example, some polling sites lack accessible parking. Others lack barrier-free paths of travel within the building and/or outside. Still others lack visible signs directing voters to doorways and other areas that are accessible to those using a wheelchair, crutches, a walker or cane.

The key component of Operation NJ-PAASS remains a continuing program of polling place inspections in all 21 counties that was launched during the May 2004 Non-Partisan Municipal Elections. Thirty-three State inspection teams surveyed a total of 162 polling sites. Of those sites, 67% were found to have accessibility-related deficiencies.

During the June 2004 Primary Election, 38 State inspection teams surveyed a total of 382 polling locations. In that round of inspections, 57 percent of the polling sites were found to have accessibility-related failures.



In the November 2004 General Election, 38 State inspection teams surveyed a total of 329 polling sites, finding accessibility-related problems at 28 percent of the sites inspected.

In each case where inspectors found accessibility-related failings, the Division on Civil Rights sent Notices of Non-Compliance to the responsible local election officials.

Although the Attorney General's Office has jurisdiction to civilly prosecute violations of the New Jersey Law Against Discrimination (LAD), Attorney General Harvey has chosen, in carrying out NJ-PAASS, to not respond punitively to violations. Rather — since the ultimate goal is improved access to voting for persons with mobility impairments — emphasis has been placed on working in partnership with local jurisdictions to identify solutions, and to help them achieve 100 percent accessibility at polling sites they supervise.

The Attorney General has not, however, ruled out the possibility of litigation in cases where jurisdictions refuse to make polling places accessible.

As part of the 2004 NJ-PAASS inspection effort, 80 polling sites that failed an initial inspection during either the May Non-Partisan Municipal Elections or the June Primary Election were chosen for re-inspection during the November 2004 General Election. It is encouraging to note that, of those re-inspected sites, 67% were found to have already corrected the failures identified earlier.

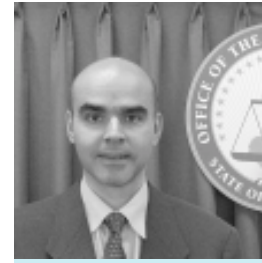
Once again in 2005, teams were dispatched to inspect polling places during the May Non-Partisan Municipal Elections, the June Primary and the November General Election.

By year's end, upwards of 800 polling locations throughout New Jersey were expected to have been visited by NJ-PAASS inspection teams.

Ultimately, local officials responsible for any polling sites that failed inspection in 2005 will be expected to either resolve the violations or — in cases where the on-site repair of violations looms as impractical or prohibitively costly — consider relocating the offending sites to more accessible facilities.

The Attorney General's Office's Division on Civil Rights and Division of Elections will continue working with local election officials, advocacy groups and others to make the voting process as inclusive and accessible as possible for all eligible New Jerseyans.

To view a complete report on Operation NJ-PAASS, visit the New Jersey Division on Civil Rights Web site at [www.NJCivilRights.org](http://www.NJCivilRights.org).



*Ramon de la Cruz  
Director*

## Division of Elections

The Attorney General is New Jersey's Chief Election Official, and serves as chairman of the Board of Canvassers. The Board of Canvassers certifies results for federal and state office elections and public questions.

The Division of Elections is dedicated to ensuring the integrity of the electoral process in New Jersey, and to making certain that voter registration — as well as the actual voting process — is as accessible and inclusive as possible. The Division assures compliance with the federal National Voter Registration Act (NVRA), and the Help America Vote Act (HAVA), which includes all reporting requirements to the Federal Election Commission and Election Assistance Commission. Additional responsibilities include certification of voting machines, serving as filing officer for all federal and state public elective offices, ensuring compliance with polling place accessibility for the elderly and disabled, regulatory authority for voter registration, political party declarations, absentee voting, election district requirements and polling place accessibility.

- *Ramon de la Cruz Esq., Director*
- *Deputy Director, SDAG Mamta Patel*
- *Gloria Jean Berry, Supervisor of Elections*
- *Donna Barber, Senior Management Assistant*
- *Coreen Grooms, Administrative Assistant*

[www.NJElections.org](http://www.NJElections.org)





# Mandating Even-Handed Policing

## Anti-Profilng Directive, Training Program Unveiled for Local Police

**R**ecognizing that racial profiling has in no way been limited to the New Jersey State Police, or to policing agencies that engage in highway drug interdiction, Attorney General Harvey announced in June 2005 that New Jersey had established a first-of-its-kind law enforcement education program to eradicate racially-influenced policing at every level.

Key to the effort was implementation of a new, statewide Attorney General's Directive that defines — and prohibits — the discriminatory practice of using race to make policing decisions. The Attorney General's Directive requires every New Jersey police department and law enforcement agency to adopt and enforce a rule, regulation, or operating procedure, expressly prohibiting racially-influenced policing tactics. It also requires every law enforcement officer — from new recruits to the most experienced veterans — to undergo an intensive, in-service and Police-Academy-based course of instruction within 180 days.

In signing "Law Enforcement Directive 2005-1," Attorney General Harvey noted that the new anti-profilng initiative had received the support of the New Jersey State Association of Chiefs of Police, the New Jersey County Prosecutors' Association, the New Jersey State League of Municipalities, the Police Training Commission, the Division State Police, the Division of Criminal

Justice, and state, county, and municipal officials. Additionally, the program had been presented to, and reviewed by, the Black Ministers Council of New Jersey, the NAACP, and the Rutgers Police Institute.

The core of the Attorney General's Directive is a clear admonition that police officers "may not consider a person's race or ethnicity as a factor in deciding whether that person may be involved in criminal activity, or in deciding how to treat that person. Unless the officer is responding to a suspect-specific or investigation-specific 'Be On the Lookout For' situation, a person's race or ethnicity may play no part in the exercise of police discretion."

As a companion to the new Directive, the Division of Criminal Justice, in concert with the Police Training Commission, distributed in 2005 an up-to-date three hour video training course that focuses on situations municipal police and other law enforcement officers are likely to encounter.

Two years in development, the video training course is based on training that New Jersey State Police have received — and continue to receive — under a 1999 federal Consent Decree. The State Police training course emphasizes that a police officer may not conclude that a person seems to be "out of place" or "up to no good" based on considerations of race or ethnicity. The training course also explains why police officers are prohibited from considering a person's race or ethnicity in deciding whether the person appears to "fit" or "match" the vehicle that he or she is operating.

**The New York Times**

## Trenton Moves To Eradicate Race Profiling By Local Police

By RONALD SMOTHERS

TRENTON, June 28 — New Jersey, once vilified nationally for encouraging racial profiling by the state police, will now require officers in all 479 of the state's municipal police forces to undergo training intended to eliminate the practice.

Peter C. Harvey, the state attorney general, signed a directive on Tuesday that requires a half-day of anti-profilng instruction at the academies that his office operates to train municipal police officers. He also ordered all police departments to certify within six months that current officers have taken a self-administered version of the program, to be provided in videotape, DVD and written forms.

Mr. Harvey and experts in the field said the program represented the first time that a state law enforcement agency has mandated such



"State Police leadership understands the concerns of minorities, the issues of disparate treatment, the need for accountability, and the importance of continued training and education to provide every law enforcement officer the knowledge and tools to perform their jobs fairly and impartially," said State Police Superintendent Col. Joseph R. Fuentes. "This cutting edge training program will insure that county and local law enforcement share in the State Police commitment to protect the Constitutional rights of all citizens."

Additional information, including Attorney General Directive 2005-1, the full text of the training program (Companion Guide), Skills Assessment, overview of New Jersey's Racial Profiling Policy, a streaming video which overviews the training initiative, a guide instructing police officers on what they can do to investigate criminal activity, along with web links to the Police Training Commission, federal monitor's reports, and related information is available via the Division of Criminal Justice Web site at [www.njdcj.org](http://www.njdcj.org).

## AG's Directive Bans Profiling in Terrorism-Related Intelligence Gathering

While thwarting terrorist activity remains New Jersey's highest priority, Attorney General Harvey made clear in 2005 that homeland protection will not be achieved at the cost of guaranteed rights and individual privacy protections.

In a new directive issued December 20, 2005, the Attorney General expressly directed that Office of Counter-Terrorism (OCT) personnel — and all other sworn law enforcement officers operating under State authority — are prohibited from using race, ethnicity and/or religion as sole factors in determining whether to investigate a person for possible involvement in terrorism.

While acknowledging that New Jerseyans "rightfully expect that all lawful and appropriate means will be used to thwart terrorists," the Attorney General cautioned that public confi-

dence requires a clearly-articulated ban on the use of "broad-brushed ethnic or religious stereotypes in targeting individuals for law enforcement scrutiny."

The one exception noted in the new directive involves law enforcement actions related to "Be on the Look-Out" or "BOLO" situations — cases in which specific persons are being sought in connection with specific, terrorism-related activities, and details regarding their race, ethnicity and/or manner of religious expression have been issued to help identify the BOLO targets' physical characteristics.

As part of his directive, Attorney General Harvey called on the Division of Criminal Justice to generate guidelines that specify when and how counter-terrorism cases can be opened. Due within 90 days of the directive's issuance, the guidelines are expected to dictate the scope, duration, subject matter and objectives of counter-terrorism cases. The guidelines are also expected to explain when — and under what circumstances — various investigative techniques are authorized, and when investigators must obtain approval from designated superiors before employing certain techniques.

Also, all Office of Counter-Terrorism investigators and intelligence analysts were directed by the Attorney General to undergo training within 60 days on the standards for submitting information into SIMS (Statewide Intelligence Management System), the Web-based law enforcement intelligence data base. The Attorney General's Office will work to develop the training in consultation with the U.S. Department of Justice.

Compliance with the new anti-profiling directive will be monitored by one or more Assistant Attorneys General or Deputy Attorneys General, and any other staff deemed appropriate. The

designated compliance monitors will report directly to the Attorney General on at least a quarterly basis, and will be afforded full access to all relevant OCT and State Police intelligence information and files.

The American Arab Forum welcomed the Attorney General's order as "a concise directive which further clarifies the standing prohibition against racial profiling."

## 12<sup>th</sup> and 13<sup>th</sup> Independent Monitors Reports Laud "Full Compliance" by State Police

While continuing to demonstrate excellence through its highway and marine patrols, criminal investigations, emergency management capabilities and a host of other efforts, the State Police achieved a milestone in 2005 by attaining "full compliance" — in two successive Independent Monitors Reports — with every task required by a federal Consent Decree.

In the 12<sup>th</sup> and 13<sup>th</sup> Monitors Reports issued since monitoring of State Police began under the five-year-old Consent Decree, State Police was commended for achieving 100 percent compliance with all requirements of the agreement.

Specifically, the Independent Monitors noted that State Police motor vehicle stops were "remarkably trouble free" during the 12<sup>th</sup> and 13<sup>th</sup> six month review periods — the former spanning from October 1, 2004 through March 31, 2005, the latter from April 1, 2005 through September 30, 2005.

The Monitoring Reports represented consecutive, landmark achievements, and showed that State Police had moved beyond a level of "substantial compliance" with the Consent Decree — as noted in the 11<sup>th</sup> Independent

*Left: Attorney General Harvey and Division of Criminal Justice Director, Vaughn L. McKoy sign a new, statewide directive that defines and prohibits the discriminatory practice of using race to make policing decisions.*

*To the left of the photo is the cover of an extensive guide to Eradicating Racial Profiling.*

## AG to cops: Don't use ethnicity, faith to target terror suspects

BY RICK HEPP  
STAR-LEDGER STAFF

New Jersey authorities cannot use "ethnicity, religious affiliation, or religious practice" as the sole factor in determining whether to investigate someone for possible terrorist activity, according to a written order issued yesterday by Attorney General Peter Harvey.

The attorney general created the policy in direct response to allegations raised this fall that New Jersey's Office of Counter-Terrorism targeted suspects in terrorism investigations solely because of their Muslim faith or Arab heritage.

"The citizens of New Jersey rightfully expect that all lawful and appropriate means will be used to thwart terrorists," Harvey noted. "The impermissible use of such stereotypes would ultimately undermine our counter-terrorism efforts by alienating significant segments of our society."

The directive applies to all

tions, pitting Harvey and State Police Superintendent Rick Puentes on one side and Caspersen on the other.

Acting Gov. Richard Codey intervened and eventually issued an executive order that removed Harvey's authority over the day-to-day operations at Counter-Terrorism by shifting hiring and budget matters to his administration.



HARVEY

But in a sign the "turf battle" may not be over, Harvey ordered Counter-Terrorism agents to get approval from either the attorney general or the director of the Division of Criminal Justice before seeking grand jury subpoenas, arrest warrants and other documents authorizing searches or electronic surveillance.

of counter-terrorism cases as well as the techniques that can be used at different steps of the investigation, according to the directive.

In addition, all Counter-Terrorism investigators and analysts must undergo training within 60 days on federal guidelines that govern what personal information — such as political, religious or social views, associations and activities — can be kept in SIMS. The guideline, which applies to systems that receive federal funding, aims to protect privacy rights by forbidding the collection of personal information not directly related to criminal conduct.

Muslim groups voiced support for the directive.

"It shows a desire to return to being a people of law ... where your actions trigger law enforcement activities, not race, religion or any of those other things about you," said Nihad...



Monitors' Report — to full compliance. Full compliance in successive monitoring periods is a pre-requisite for possible dissolution of the Consent Decree in the future (with approval from the U.S. District Court).

In addition to lauding the handling of motor vehicle stops by Troopers and the high caliber of oversight provided by State Police supervisors, the Independent Monitoring Team indicated in both of its 2005 reports that State Police had traveled a path of "truly remarkable" progress in such key areas as trooper training, personnel supervision and — perhaps most notably — field operations.

The 12<sup>th</sup> and 13<sup>th</sup> Monitoring Reports made clear that "no indications of racial profiling" had been found in State Police traffic stops reviewed by the monitors. The reports also referred to the consistently high caliber of work observed in field operations as extraordinary "considering the complexity of the law enforcement processes under scrutiny." Based on the findings of the 12<sup>th</sup> and 13<sup>th</sup> reports, the monitors recommended that direct monitoring of State Police field operations be scaled back for the remaining life of the Consent Decree. While the report advocated continued monitoring at the same level of such areas as field supervision, training, and management review processes, it noted that there was "little to be gained" by continuing to devote the same amount of monitoring activity to review of State Police traffic stop video tapes and other field operations indicators.

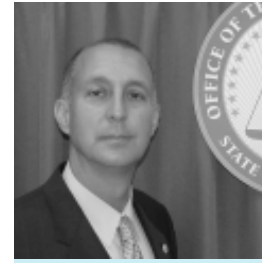
From the first report issued in 2000, the court-appointed Independent Monitors — Dr. James Ginger and Alberto Rivas, Esq. — were impressed "with the commitment, focus, energy and professionalism" of New Jersey State Police and the Office of State Police Affairs. (The Office of State Police Affairs, within the Attorney

General's Office, was created to ensure implementation of State Police reform recommendations made by a specially-appointed State Police Review Team, and to ensure full compliance with the terms of the Consent Decree.)

Since that first report, progress in complying with all terms of the Consent Decree has been strong and steady, making the New Jersey State Police a national model for implementing change in police training and practices.

The 12<sup>th</sup> and 13<sup>th</sup> Monitors Reports, though, were watersheds. Among other things, the reports commended the State Police for full compliance with the Consent Decree in development of a state-of-the-art personnel performance management system known as MAPPS (Management Awareness Personnel Performance System.) The system allows the Division to review trooper and supervisory performance, and to compare individual troopers to larger groups. MAPPS also places New Jersey in the forefront of intelligence-driven policing by supplying "trend" information pertaining to crime-specific locations over specific periods of times.

What was most remarkable about the full compliance described in the two Monitoring Reports issued in 2005 was that it was achieved during a time in which State Police productivity increased across the board. Compared to 2004, State Police motor vehicle stops were up 20 percent in 2005, with a corresponding increase in the issuance of summonses and warnings. Driving While Intoxicated arrests by troopers also increased by 6 percent in 2005 and, because of successful traffic programs and increased Trooper visibility on the road, there were fewer reported instances of aggressive driving.



*Daniel G. Giaquinto*  
Director

## Office of State Police Affairs

Located within the Attorney General's Office, the Office of State Police Affairs (OSPA) was created to assist the implementation of reform recommendations made by a specially-appointed State Police Review Team, and to enable full compliance with the terms of a federal Consent Decree pertaining to the prevention of racial profiling. The essential mission of the Office of State Police Affairs is to ensure that the New Jersey State Police is, and remains, a premier law enforcement agency committed to the most effective and constitutionally sound police practices. On a regular basis, the OSPA oversees the training of troopers and trooper candidates on cultural awareness, law enforcement ethics and leadership, constitutional law pertaining to search and seizure and equal protection, and other issues. The OSPA also provides Consent-Decree-related technical assistance to State Police decision makers, and monitors and reviews State Police internal investigative processes to make certain they are being carried out properly.

- Daniel G. Giaquinto, Director, AAG
- Desha Jackson, Deputy Director, DAG

[www.NJPublicSafety.com](http://www.NJPublicSafety.com)







# Office of Bias Crime and Community Relations: Working Against Bigotry and Bullying

**L**ike many of the issues that confront the Attorney General's Office each day, combating bigotry and bias crime is a matter not only of enforcement, but outreach.

In 2005, the Attorney General's Office continued to make reducing bigotry — and the anti-social behavior that often accompanies it — one of its leading priorities, largely through the work of its Office of Bias Crime and Community Relations (OBCCR) within the Division of Criminal Justice.

Led by Chief Hester Agadosi, the Office of Bias Crime and Community Relations is re-

sponsible for the statewide monitoring of bias crime incidents. The office trains law enforcement officers in the investigation of bias crime, offers programs in sensitivity and diversity training for students and teachers, and assists county and municipal human relations commissions in addressing the concerns of their diverse communities.

The OBCCR also responds to communities in need of assistance in coping with crises that stem from ethnic, racial, religious or other cultural tensions. The priorities of the Office of Bias Crime and Community Relations extend beyond

*Contrary to the stereotype of the childhood bully, bullying comes in many different forms and is engaged in by a wide range of people.*



## Suspected skinheads aimed to kill, cops say

BY RICK HEPP  
STAR-LEDGER STAFF

Two alleged neo-Nazis who face federal charges for illegally selling firearms had their sights set much higher — killing minorities in southern New Jersey by detonating a bomb similar to the one used in the 1995 Oklahoma City bombing, authorities said.

One of the suspected skinheads, Gabriel Carafa, 24, of Pennsville, Salem County, approached a man — who turned out to be a confidential informant working with the state Division of Criminal Justice's Office of Bias Crimes — in January and began looking for cohorts

"We believe the target of the bombing plan would have been members of the community," a spokesman said.

The informant said the Office of Bias Crimes was using an undercover agent to catch Carafa and the other suspected skinheads.

Carafa and the other suspected skinheads were arrested on a federal charge of possession of stolen weapons by convicted felons, Attorney General Peter C. Harvey announced Monday.

## NEWS

## Manchester man faces federal charges

STAFF REPORT

TRENTON -- A Manchester resident was among two alleged members of neo-Nazi skinhead groups arrested on a federal charge of possession of stolen weapons by convicted felons, Attorney General Peter C. Harvey announced Monday.

An extensive undercover investigation was coordinated by state investigators assigned to the Division of Criminal Justice — Office of Bias Crimes, with the assistance of special agents from the federal Bureau of Alcohol, Tobacco, Firearms and Explosives.

On Monday, the complaints

Each defendant could face a prison term of 15 years to life if convicted.

The six-month undercover investigation, which initially focused on Carafa and a request to have a confidential informant construct a bomb re-

ASSURY PARK PRESS TUESDAY, MAY 24, 2005

law enforcement. They include the development of prototype education and preventive programs, as well as specific activities to reduce bias crime and biased-based bullying.

## Enforcement: Prosecuting Bias Activity

Throughout the year, the Office of Bias Crime and Community Relations worked jointly with county and municipal law enforcement agencies to assist with, and monitor, approximately 470 bias incidents reported statewide. At this writing, there are 20 active bias case investigations pending.

In May 2005, OBCCR investigators were responsible for the arrest of convicted felons Gabriel Carafa and Craig Orlor. The six-month investigation initially focused on an attempt by Carafa, who had already served time for bias intimidation and terroristic threats against a family of Indian descent in Ocean County, to have a confidential police informant build a bomb.

The case later developed into an investigation of the sale of stolen weapons to undercover state investigators and federal agents by both Carafa and Orlor. Both Carafa and Orlor were on parole at the time of the alleged weapon sales. And both, by virtue of their past records, were statutorily prohibited from owning or possessing weapons.

Carafa, whose 2004 bias intimidation case was prosecuted by OBCCR, has been identified as a leader of such bias groups as Church of the Creator and a neo-Nazi skinhead group known as "The Hated."

The Office of Bias Crimes and Community Relations deferred prosecution of both Carafa and Orlor, and instead referred the cases to the U.S. Attorney's Office in Philadelphia. Each defendant

faces a federal prison term of at least 15 years upon conviction for the pending criminal complaints.

The Office of Bias Crime and Community Relations also responded in 2005 to various ethnic tensions that arose from bias crimes targeting undocumented Hispanic residents in Union, Monmouth, Morris and Cumberland counties.

## Preventing Bias Crime and Bullying

Through training and outreach programs, the OBCCR continued in 2005 to work against bias crime and bullying. Among its successful and popular programs were:

- ◆ **New Jersey Bias Crime Training Program —**

A comprehensive one-day seminar for law enforcement officers on the essentials of bias crime.

- ◆ **Educational Training —**

Approximately 7,500 students, teachers, administrators, and other persons throughout the state were trained in the area of bias crime and cultural diversity in 2005 through OBCCR's programs. Response by OBCCR to the needs of various schools in 2005 included staff and student training, as well as the provision of technical assistance to school districts that reported an increase in bias crime, bias-related incidents, and racial tension. In addition to educators, OBCCR staff provided training to students, law enforcement officers, community and civic groups, and human relations commissions on bias crime and cultural diversity.

- ◆ **Referral Hotlines —**

OBCCR maintains a telephone hotline for victims of bias crime and a separate telephone hotline for those concerned about bullying. Both hotlines help victims via telephone refer-

als to law enforcement agencies, human service providers and trained volunteers. Anyone concerned that he or she has been the victim of bias crime is urged to call 1-800-277-BIAS (2427). Anyone concerned that he or she has been the victim of bullying can call 1-877-NO-BULLY (662-8559).

In addition to its training and outreach programs, the Office of Bias Crime and Community Relations provides administrative and program support for the New Jersey State Human Relations Council, and the Attorney General's Arab and Muslim Advisory Committee.

## Conferences/Special Events

On May 17, 2005, the Office of Bias Crime and Community Relations hosted a conference under the title "New Jersey Cares About Cyber-Bullying" at the New Jersey State Police Technology Building in Hamilton Township. The conference featured a series of workshops that explored the growing trend among young people toward Internet "cyber-bullying" — bullying conducted on-line, via e-mail, chat rooms and other direct communication options available through the Web. Approximately 200 educators and members of law enforcement attended the event. There was a second cyber-bullying conference in November 2005.

Other important conferences sponsored by the OBCCR in 2005 included the First Annual Arab and Muslim Clergy Leadership Conference and the Ninth Annual Human Relations Conference. The Muslim Clergy Leadership Conference was designed to bring together the leadership of the Arab and Muslim clergy from across New Jersey to share information, ideas and concerns, and to learn about the resources and initiatives offered by the Attorney General's Office. The Human Relations Conference was held in conjunction with the New Jersey State Human Relations Council. Approximately 100 people representing human relations commissions attended the session, taking part in workshops designed to focus attention on the importance of using education as a tool to combat prejudice. Additional information about OBCCR is available by visiting [www.NJBiasCrime.org](http://www.NJBiasCrime.org).



*This Logo is being used in an ongoing anti-bullying campaign to raise awareness regarding this important issue confronting New Jersey's children. The campaign also includes outreach by the Office of Bias Crimes and Community Relations to schools throughout the State.*



# Fighting for New Jersey's Environment: Civil and Criminal Enforcement

In 2005, Attorney General Harvey continued to make environmental protection a top law enforcement priority, defending public health and the quality of life of every citizen. Attorney General Harvey served as a national leader in the fight against air pollution by filing suit on behalf of 14 states against new rules of the federal Environmental Protection Agency that fail to adequately control dangerous mercury emissions from power plants.

The Attorney General used both civil litigation and criminal prosecution to combat pollution in New Jersey. Attorney General Harvey filed a civil action against W.R. Grace over asbestos contamination at the company's former plant in Mercer County. The Attorney General's Division of Law achieved a major victory in the New Jersey Supreme Court regarding public access to beaches.

The Environmental Crimes Bureau (ECB) in the Division of Criminal Justice aggressively implemented the Urban Environmental Initiative, established to prosecute polluters who use disadvantaged neighborhoods to dump waste, hazardous materials and industrial by-products, or who endanger surrounding communities and workers by the way they operate. The ECB worked closely in 2005 with officials in Paterson, Newark, Jersey City and Camden to address chronic dumping problems in each of those cities.

## Civil Enforcement Mercury Lawsuit —

Attorney General Harvey filed suit in the U.S. Court of Appeals for the D.C. Circuit in May 2005 for 14 states, challenging a new federal Environmental Protection Agency rule that establishes a cap-and-trade system for regulating mercury emissions from power plants. The suit contends that the rule will delay meaningful emission reductions for decades and perpetuate hot spots of local mercury deposition, posing a grave threat to public health. The Attorney General previously sued EPA over a separate rule that removed power plants from the list of pollution sources subject to stringent pollution controls under the Clean Air Act. Mercury deposited in the environment is consumed by humans who eat certain fish, resulting in severe harm, particularly when ingested by pregnant or nursing mothers or young children. Children can suffer permanent brain and nervous system damage from exposure to even low levels of mercury, which frequently occurs in utero. Coal-fired power plants are the largest source of uncontrolled mercury emissions, generating 48 tons of mercury emissions per year nationwide.



*Nancy Kaplen  
Acting Director*

*Ms. Kaplen also served  
as Acting First Assistant  
Attorney General effective  
December 1, 2005*

## Division of Law

Staffed by approximately 600 Deputy Attorneys General and 18 State Investigators, the Division of Law has broad civil powers and a broad-based mission. Through the Division, the Attorney General performs the majority of the duties relating to his statutory role as chief counsel for the State. The Division is charged with protecting the public interest by acting as sole legal counsel to State agencies, and by conducting all civil legal matters to which the State is party. The Division's workload is driven by its role as provider of legal counsel to client agencies on an as-needed basis, by the amount and nature of litigation brought against the State, and by the amount and nature of litigation pursued by various departments of State government. In the interest of maximizing the DOL's effectiveness, while also creating opportunities for staff growth and professional advancement, the DOL was reorganized in 2003 into practice groups. These practice groups were focused on such areas as Litigation, Appeals, Financial Fraud, Environmental Law, Civil Rights, Consumer Protection, etc. On an annual basis, the DOL typically handles more than 35,000 legal matters, including lawsuits, administrative hearings, appeals, workers compensation cases, the issuance of formal advice to government agencies, etc.

- Acting Director, Nancy Kaplen, AAG - Appellate Practice Group
- John P. Bender, Assistant Attorney General In Charge - Administrative Practice Group
- Aney K. Chandy, Assistant Attorney General In Charge - Civil Rights Practice Group
- Michael A. Shipp, Assistant Attorney General In Charge - Consumer Protection Practice Group
- Howard McCoach, Assistant Attorney General In Charge - DYFS Practice Group
- Lawrence E. Stanley, Assistant Attorney General In Charge - Environmental Law Practice Group
- Robert Romano, Assistant Attorney General In Charge - Financial Affairs Practice Group
- Stefanie Brand, Assistant Attorney General In Charge - Litigation Practice Group

[www.nj.gov/oag/law](http://www.nj.gov/oag/law)

### The New York Times States Challenge Break on Mercury for Power

By MICHELLE O'DONNELL

A coalition of 11 states, including New York, New Jersey and Connecticut,

When released in the air as a by-product of burning coal, mercury drifts over lakes and rivers and enters the food chain through fish and

emissions that can... the lawsuit, he... the cap-and-trade... "hot spots" a... that purchase u...

## N.J. sues EPA for allowing trading of pollution credits

Attorney general calls mercury emissions rule flawed

By ANGELA DELLI SANTI  
THE ASSOCIATED PRESS

TRENTON — A new federal rule that will allow mercury-emitting power plants to continue polluting by trading credits with cleaner plants is "deeply flawed" and will prevent serious environmental improvements, New Jer-

in 2010.

"The Clean Air Mercury Rule represents the first time the United States or any other country in the world has regulated mercury emissions from power plants and it will dramatically reduce mercury emissions by 70 percent," the statement reads. "EPA will vigorously defend the Clean Air

neys general are delaying the first-ever mercury regulations because they don't make reductions fast enough," Maisano said. "Historical experience shows us that cap-and-trade works better, faster and more efficiently."

After studying the health hazards posed by emissions from coal-fired power plants, the EPA



## W.R. Grace Lawsuit —

In June 2005, Attorney General Harvey filed suit against W.R. Grace & Co. and two of its former executives alleging they falsely certified in 1995 that Grace had cleaned up hazardous asbestos contamination as required by state law at its Hamilton Township plant, which produced insulation from contaminated vermiculite ore from the company's mine in Libby, Montana. In fact, more than 15,000 tons of contaminated soil, some with concentrations of asbestos as high as 40 percent, remained at the site when Grace closed the plant. The suit seeks civil monetary penalties under state environmental laws. Attorney General Harvey appeared on ABC News Nightline on November 4 as part of a two-part series on W.R. Grace.

## Beach Access Victory —

In July 2005, the Division of Law secured a major victory for public beach access in the New Jersey Supreme Court in the case of Raleigh Avenue Beach Association v. Atlantic Beach Club. The Division of Law successfully ar-

gued that the public trust doctrine, which provides that the public has a right to access the ocean for use and recreation, can extend to privately owned dry sand areas adjacent to the ocean. In a 5-2 decision, the Court held that under the facts of the case — a municipality with no public beaches, limited access to the ocean from residential neighborhoods, a demonstrated demand for beach access, and other factors — the public has a right to access and use the dry sand areas of the privately-owned beach club for a reasonable fee set by the Department of Environmental Protection.

## ConocoPhillips Bayway Refinery —

In January 2005, Attorney General Harvey announced that New Jersey, the federal government and several other states reached a major settlement with ConocoPhillips Company requiring the company to install major new pollution controls at the Bayway Refinery in Linden and 10 other refineries throughout the U.S. The New Jersey Attorney General's Office and Department of Environmental Protection negotiated provisions that will require ConocoPhillips to spend \$60 million on pollution controls and upgrades at Bayway that will reduce odors and reduce the public's exposure to particles that cause asthma, cardiovascular disease and respiratory distress. The settlement will reduce Bayway's annual volatile organic compound emissions by more than 50 tons. Bayway currently emits more VOCs than the second- and third-largest New Jersey refineries combined.

## Criminal Enforcement Environmental Crimes Bureau —

In 2005, the Environmental Crimes Bureau, within the Division of Criminal Justice, obtained more than 20 indictments, guilty pleas and/or accusations related to unlawful pollution. The ECB collected approximately \$600,000 in fines

and restitution in 2005. The Bureau charged individuals and corporations with such criminal offenses as criminal water pollution, unlawful transportation and abandonment of hazardous materials and unlawful disposal of solid waste. It completed statewide environmental crimes training for local police officers and code officials. In addition, the ECB provided training on environmental crimes, particularly solid waste dumping crimes, for county health officers throughout the State.

Among its significant environmental prosecutions in 2005, the ECB:

- ❖ Obtained a three-year prison sentence for a defendant who stole trailers, filled them with debris and abandoned them in Newark and Irvington.
- ❖ Obtained a three-year prison sentence for a defendant who unlawfully disposed of hundreds of used tires in Newark and Elizabeth.
- ❖ Indicted a contractor charged with performing four different asbestos abatement jobs in New Jersey without a Department of Labor license and abandoning solid waste and asbestos in a trailer near his business in Paterson.
- ❖ Indicted a defendant charged with unlawfully transporting lead-contaminated soil and abandoning it in a trailer on a Paterson street.
- ❖ Indicted a Jersey City municipal employee on charges that he unlawfully collected construction/demolition debris from two separate sites and dumped it at a city lot.
- ❖ Indicted a man charged with dumping two truckloads of demolition debris on vacant lots in Camden.
- ❖ Obtained a three-year probationary sentence, conditioned upon serving 120 days in jail and payment of \$32,500 in cleanup costs, against a man who abandoned a trailer containing barrels of waste oil in Elizabeth.
- ❖ Obtained a three-year probationary sentence, conditioned upon serving 364 days in jail and paying a \$45,000 fine, against the president of a concrete fabricating company that discharged highly acidic wastewater into a wooded area in Newfield, Gloucester County.

# Asbestos suit asks for \$1.6B

State: W.R. Grace made false claims; criminal charges eyed

By TRACEY L. REGAN and DARRYL ISHERWOOD  
Staff Writers

■ Legal woes continue to mount for W.R. Grace officials. A6

TRENTON — State Attorney General Peter Harvey is seeking up to \$1.6 billion in penalties from construction products maker W.R. Grace & Co. and two company executives for allegedly violating state environmental laws at a plant the company operated in Hamilton for more than three decades.

The state's top prosecutor filed a civil suit against W.R. Grace in Superior Court yesterday that accuses the company of submitting "false or misleading" information to state regulators about the asbestos-tainted vermiculite it processed at the fireproofing and insulation plant beginning in 1963.

The suit, filed under two New Jersey environmental laws, says the company knew it released hazardous concentrations of tremolite asbestos at the site but falsely claims a 1995 environmental report submitted to state regulators had handled only trace amounts and that the company was cleaning the site.

The state is seeking monetary fines for the alleged violations plus \$150,000 a day for each day it asserts the defendants — the company and the two Grace executives who certified the 1995 report as "true, accurate and complete" — failed to correct the report.

J. Battacchi, a high-ranking corporate executive.

"In 1995, Grace filed reports claiming there was minimal trace amounts of asbestos contamination at the site in Hamilton, and Grace — and Grace executives — knew this was true," Harvey said yesterday.

"They knew this contamination had long-term health consequences for the residents of Hamilton," he added.

Harvey said yesterday he is exploring the possibility of filing criminal charges against the executives.

## Oil company signs cleanup pact for Bayway Refinery in Linden

BY ALEXANDER LANE  
STAR-LEDGER STAFF

The massive Bayway Refinery in Linden, N.J., signed the deal.

along with the state, signed the deal.

"New Jersey believes this is a

of an environmental group called the Environmental Integrity Project — is an advanced new pollution control on the refinery's catalytic converter.

That's the workhorse of the refinery," Schaeffer said. "That's where they pound the crude with chemicals and heat to try to squeeze out more gasoline and other products."

Schaeffer, who has been critical of the Bush administration's enforcement of pollution laws against industrial polluters, applauded the settlement but expressed some

## N.J. sues EPA for allowing trading of pollution credits

Attorney general calls mercury emissions rule flawed

By ANGELA DELLI SANTI  
THE ASSOCIATED PRESS

in 2010.

"The Clean Air Mercury Rule represents the first time the United States ever has a mercury

emissions general are delaying the first-ever mercury regulations because they don't make reductions



## Prosecuting Securities Fraud

In 2005, the New Jersey Attorney General's Office solidified its reputation as a national leader in investigating securities fraud and spurring reform within the investment industry. That reputation for protecting investors was secured under Attorney General Harvey in 2003 and 2004, when the Attorney General's Office, working through its New Jersey Bureau of Securities and Division of Law, reached a record-setting \$18 million settlement with Allianz Dresdner Asset Management over market timing allegations, filed eight major securities fraud cases involving more than \$160 million in investments, and played a leading role in the landmark 2003 settlement between securities regulators and 10 top Wall Street firms regarding stock analyst practices.

Those achievements caught the attention of the U.S. Senate Committee on Banking, Housing and Urban Affairs, which invited Attorney General Harvey to testify on June 2, 2004 about the vital role of the states in regulating securities and protecting investors.

The Attorney General's Office continued its record of leadership in 2005, when it reached landmark settlements with two major international investment firms concerning corporate practices that hurt ordinary investors:

- ❖ In March 2005, Attorney General Harvey announced that Merrill Lynch Pierce Fenner & Smith Inc. would pay New Jersey \$10 million and implement significant reforms throughout the firm to resolve allegations that it failed to reasonably supervise certain financial advisers in New Jersey who market timed mutual funds on behalf of a hedge fund, Millennium Partners, L.P., in violation of the firm's policies and to the detriment of long-term investors. Merrill Lynch agreed to implement reforms recommended by the AG to enhance supervision of its financial advisers. The following week, the Attorney General's Office filed an administrative complaint against the three financial advisers involved and revoked their registration to trade securities as broker-dealer agents in New Jersey.

- ❖ In June 2005, Attorney General Harvey reached a \$5 million settlement with American Express Financial Advisors (AEFA) over allegations it failed to reasonably supervise its financial advisers. An adviser in the firm's franchise office in Voorhees stole \$400,000 from at least 22 clients by forging signatures to obtain commissions and fees. The adviser pleaded guilty to theft charges brought by the Attorney General through the Division

of Criminal Justice and was sentenced in September 2005 to three years in state prison. AEFA paid full restitution to victims and agreed to reform how it supervises its financial advisers, many of whom work as independent contractors under franchise agreements.

- ❖ In October 2005, Attorney General Harvey obtained a court order freezing \$1.4 million linked to an Internet securities scam involving a fictitious company, Heritage Financial Inc., through which investors around the world have been defrauded of millions of dollars. A New Jersey Superior Court judge granted the Attorney General's request for an order freezing the funds, which investigators in the Bureau of Securities traced from victims to four Merrill Lynch investment accounts held in the names of various individuals and corporate entities. At the close of 2005, a court hearing was pending on a request by the Attorney General to permanently freeze \$70 million in 13 Merrill Lynch accounts held by those same parties. Earlier in 2005, the Attorney General's Office shut down computer accounts and phone lines used by the con artists and seized approximately \$620,000 in accounts in Panama and the Cayman Islands.

- ❖ In January 2005, The Attorney General's Office and the Bureau of Securities filed suit against a New York City man, Joseph Greenblatt, several members of his family and 68 corporations that they allegedly created to carry out a massive securities fraud scheme, including Maywood Capital Corp., a New Jersey corporation based in Paramus that was the umbrella company for the investment scheme. The suit alleges that the individual defendants obtained more than \$42 million from over 100 investors, diverting millions to their personal use. The complaint alleges that Joseph Greenblatt, his father, Max Greenblatt and two key associates engaged in a pattern of racketeering activities in violation of New Jersey's Racketeer Influenced and Corrupt Organizations (RICO) law.



Franklin L. Widmann,  
Chief

## Bureau of Securities

Within the Division of Consumer Affairs, the Bureau of Securities is New Jersey's securities regulatory agency. New Jersey is one of only five states to place such an agency directly under the control of their Attorney General. By Attorney General Harvey's directive, the Bureau reports directly to Attorney General Harvey for greater focus upon securities fraud cases. The Bureau is funded through fees paid by the regulated community as well as fines and other sums collected in enforcement actions. The Bureau regulates broker-dealers (brokerage firms), broker-dealer agents (stockbrokers), investment advisers, investment adviser representatives, agents of securities issuers, securities registrations, securities exemptions, mutual funds, and unit investment trusts. The primary mechanisms the Bureau uses for regulation are (1) registration of securities, firms and agents, and (2) enforcement actions against those who fail to comply with registration or engage in fraud. The Bureau maintains a field examination staff, which conducts routine and for-cause examinations of regulated persons and entities, and an investigative staff, which investigates possible violations of the New Jersey Uniform Securities Law.

- Franklin L. Widmann, Chief
- Elizabeth Mackay, First Deputy Chief
- Amy Kopleton, Deputy Chief
- Richard Barry, Chief Investigator







# Protecting New Jersey's Consumers through Litigation and Awareness

In 2005, the Attorney General's Office, through its Division of Consumer Affairs and Division of Law, took on big companies that failed to treat New Jersey consumers fairly and honestly when they purchased goods and services. Attorney General Harvey filed suit against video rental giant Blockbuster alleging the company misled customers with its "No More Late Fees" policy, and The Attorney General sued major oil companies over gas price increases in the wake of Hurricane Katrina. In between those highlights, The Attorney General filed suits and reached settlements to protect consumers purchasing everyday items such as mattresses, electronic appliances and dietary supplements.

In December 2005, Attorney General Harvey reached a cooperative settlement with BP Products North America Inc., under which BP agreed, on behalf of its 85 company-owned and commissioned agent service stations in New Jersey, to pay \$315,000 to resolve certain issues regarding gas pricing that arose from the gas station inspections in the wake of Katrina.

These several consumer fraud cases were overseen by AAG Michael Shipp and DAG Lorraine Rak, Consumer Protection Group, Division of Law.

## Diet Pills —

The Attorney General's Office reached settlements in 2005 with two major manufacturers of dietary supplements regarding deceptive practices they used to market their diet pills, including ephedra-based products. Attorney General Harvey sued both companies in 2003 for allegedly downplaying the risks and exaggerating

the benefits of their products in their advertising.

- ❖ In a settlement announced in July 2005, Nutraquest Inc., formerly Cytodyne Technologies, the maker of Xenadrine diet products, agreed to pay the State \$940,000 and stop making unsubstantiated claims in its ads.

- ❖ In a settlement announced in August 2005, Goen Technologies, the maker of TrimSpa diet products, agreed to pay the State \$750,000 and revise its marketing practices.

## Gas Pricing Suits —

The Attorney General's Office filed four lawsuits in September 2005 against three oil companies, Amerada Hess, Motiva Shell and Sunoco, and a number of independent gas station operators in connection with gas price increases after Hurricane Katrina. In the week after Katrina struck, gas prices in New Jersey soared to an average of \$3.16 a gallon by Labor Day, a dollar higher than the average just one month earlier. In response to complaints from consumers, the Attorney General's Office and Division of Consumer Affairs sent state, county and municipal weights and measures inspectors to more than 500 of New Jersey's 3,260 gas stations to ascertain whether gas retailers were complying with state laws and treating customers fairly. They monitored price changes and demanded access to books and records that retailers are required by law to maintain and make available to state inspectors.

The suits filed by Attorney General Harvey allege specific violations of New Jersey's Motor Fuels Act and Consumer Fraud Act at 31 gas stations, 13 owned by the three oil companies and 18 independently owned. The suits allege that the defendants violated a provision in the Motor Fuels Act that prohibits a gas retailer from changing gas prices more than once in a 24-hour period. In other instances, the suits allege that defendants posted prices on roadside signs that deviated from the actual prices charged at the pumps, a violation of the adver-

## Blockbuster settles suit over policy on late fees

N.J. customers to be repaid \$90,000 for restocking charges

BY GREG SAITZ  
STAR-LEDGER STAFF

Blockbuster agreed to pay more than \$140,000 to settle a lawsuit filed last year by New Jersey officials accusing the video-rental chain of misleading customers regarding its no-late-fees policy.

The settlement, which the New Jersey attorney general plans to announce today, calls for Blockbuster to repay more than \$90,000 to about 75,000 New Jersey customers who were charged fees between January and April 2005. The company also will pay \$50,000 to the state.

"It means Blockbuster will dis-



## 'No late fees' ads cause a stir

Spots rated 'effective,' but N.J. sues, saying they're deceptive

By Michael McCarthy  
USA TODAY

Under the Federal Trade Commission's "truth-in-advertising" rules, the messages in commercials must be truthful

### Advertising

and non-deceptive, they can't be "unfair" to consumers and marketers must have proof to back up their claims.

Video store chain Blockbuster is now fending off questions from several state attorneys general about whether its move to remove the video rental industry by ending late fees has really ended li-

al past the seven-day grace period are then billed on their credit card for the purchase price, less their

ply with state laws designed to protect consumers from faulty and deceptive advertising?"  
Shepherd fires back that the "no late fees" ads have all the proper

## Gas Stations Violated Pricing Law, New Jersey Says

By RONALD SMOTHERS

NEWARK, Sept. 26 — Attorney General Peter C. Harvey charged in state court on Monday that 20 gas stations in New Jersey and the oil companies that supplied them violated state fuel pricing and consumer laws by raising their prices more than once in a single day during the recent run-up in gasoline prices.

The civil action makes New Jersey the



defrauding consumers by raising the prices in violation of state law.

But some were also accused of charging credit card users more than the face value on their receipts, and of selling regular gas in place of premium.

Acting Gov. Richard J. Codey, in announcing the lawsuits late Monday afternoon, said: "Companies



tising regulations under the Consumer Fraud Act.

Because of New Jersey's strong response to the gas price hikes, Attorney General Harvey was invited to testify in Washington at a Joint U.S. Senate Committee hearing on November 9, 2005, on "Energy Pricing and Profits." He testified that New Jersey's price gouging law, like similar laws in other states, applies only if an emergency has been declared in the State. He urged passage of a federal price gouging law to apply when a disaster in one region affects the supply and pricing of an essential product nationwide.

On November 22, 2005, Attorney General Harvey announced a cooperative settlement with Amerada Hess in which the company agreed to pay \$372,391, a portion of which will be used to fund consumer protection initiatives by the Division of Consumer Affairs, including efforts to address the home heating needs of seniors and low-income families in New Jersey.

In December 2005, Attorney General Harvey reached a cooperative settlement with BP Products North America Inc., under which BP agreed, on behalf of its 85 company-owned and commissioned agent service stations in New Jersey, to pay \$315,000 to resolve certain issues regarding gas pricing that arose from the gas station inspections in the wake of Katrina.

## Blockbuster –

The Attorney General's Office filed suit in February 2005 against Blockbuster, Inc., alleging that the movie and game rental chain violated New Jersey's Consumer Fraud Act and Merchandise Advertising Regulations by failing to disclose key terms of its newly launched "No More Late Fees" policy. The suit alleges Blockbuster failed to disclose in its advertisements (1) that overdue rentals are automatically converted to a sale on the eighth day after the due date; and (2) that if customers return the overdue items within 30 days after the "sale" date, Blockbuster will reverse the sale charge, but charge a "restocking" fee. The complaint also alleges that Blockbuster failed to prominently disclose that some of its stores were not participating in the "No More Late Fees" policy.

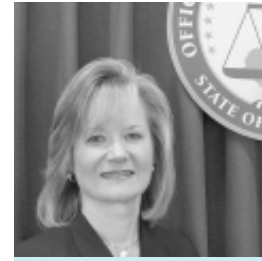


The Blockbuster suit was settled in December 2005 with the Attorney General's Office obtaining \$90,000 in restitution for New Jersey's Consumers.

## Other Major Actions and Settlements

In addition, the Attorney General's Office:

- ❖ Reached a \$173,000 settlement in October 2005 with Circuit City Stores Inc., under which the company agreed to stop misleading advertising practices and comply with state consumer protection laws and regulations. This settlement was the third time the AG's Office had sued Circuit City for deceptive pricing;
- ❖ Seized 175 used mattresses and/or boxsprings in October 2005 from two Amazing Prices, Inc. stores in Essex County after customers filed complaints alleging the mattresses they bought from the stores were soiled, smelly and infested with bedbugs;
- ❖ Reached a \$438,000 settlement in July 2005 with Rockaway Bedding Inc., under which the company must reform its advertising and delivery practices;
- ❖ Reached a \$236,530 settlement in June 2005 with GT Brands LLC, GT Merchandising & Licensing LLC and GoodTimes Entertainment LLC, under which the New York-based companies agreed to resolve consumer complaints and comply with state laws in their advertising and sales of well-known television infomercial products such as the Turbo Cooker, The FIRM exercise products, Richard Simmons weight loss and exercise products, and Charlton Heston Bible videotapes and audiotapes;
- ❖ Filed suit in May 2005 against Matrix Management & Marketing Group LLC and Total Remodeling Inc. alleging they repeatedly violated the State's Do Not Call Law and Consumer Fraud Act by failing to register with the New Jersey Division of Consumer Affairs as telemarketers and making unsolicited telemarketing calls to New Jersey residents whose telephone numbers were on the federal Do Not Call registry.



*Kimberly S. Ricketts  
Director*

## Division of Consumer Affairs

Created by an act of the Legislature, the Division of Consumer Affairs is responsible for administering and enforcing the laws intended to make New Jersey's commercial marketplace a fair and safe place to do business. Through the Division's investigative, prosecutorial and public awareness efforts, as well as through the work of its professional and occupational review boards, the Division carries out its mission of protecting consumers against illegal and/or unscrupulous business practices, prosecuting those who commit fraud, and keeping the public aware with regard to fraud prevention and other significant consumer issues.

The Office of Consumer Protection, the Enforcement Bureau, the Bureau of Securities, the Office of Weights and Measures, the Charitable Registration Unit and the Legalized Games of Chance Control Commission all fall under the purview of the Division of Consumer Affairs. For further information on the Division, its mission, its accomplishments and initiatives, visit the Consumer Affairs Web site below.

- **Director, Kimberly S. Ricketts**
- *Deputy Director, Anthony Miragliotta*
- *Deputy Director, Stephen Nolan, Esq.*

[www.NJConsumerAffairs.org](http://www.NJConsumerAffairs.org)

*The Division of Consumer Affairs and the NJ Food Council co-sponsored a senior citizen awareness event in Howell Township in November featuring speakers, educational materials and a variety of services. Similar events were held in locations throughout the State, benefiting thousands of seniors.*



# Protecting Internet Users, Prosecuting Cyber Crime and Other Web Exploitation



**A**long with millions of New Jerseyans who use the Internet each day for legitimate purposes, there are others who exploit it for illegal or unethical activities, including: distribution of child pornography, identity theft, the sabotaging of on-line businesses via "hacking," and the turning of a profit through misleading representations and hard-to-identify user redirection programs.

In 2005, the Attorney General's Office continued its vigilance against cyber crime and fraud, using an array of strategies to identify and prosecute Internet users who broke the law and, elsewhere, putting a halt to practices that were exploitative and unethical — if not outright fraudulent.

## Operation Guardian: Attacking the Menace of Child Pornography

One of the landmark achievements announced in 2005 by Attorney General Harvey was Operation Guardian, an extensive cyber child-pornography investigation spearheaded by the Divisions of State Police and Criminal Justice. As a result of Operation Guardian, 39 people were arrested on charges relating to the possession and distribution of child pornography. Those charged in connection with Operation Guardian ranged in age from 14 to 61, and included a high school hockey coach, an attorney and a pediatric neurosurgeon.

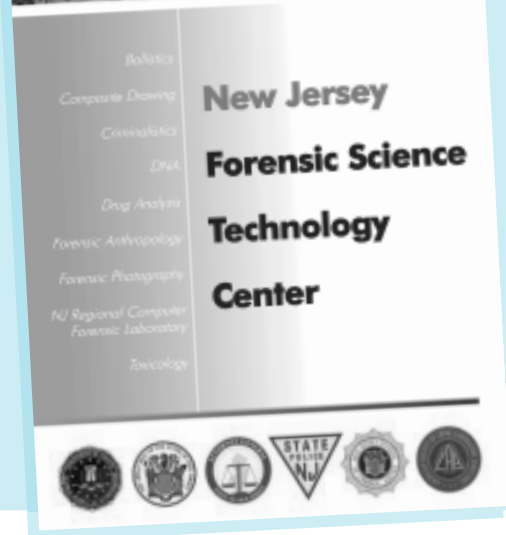
In addition to the arrests, detectives seized computers containing many disturbing "still" pho-

tos and video images of child pornography, including video clips of a Georgia man molesting and raping a 5-year-old girl. (Via the Internet and other means, James Bidwell, of Toccoa, Ga. had circulated in United States, Canada and England a video of himself raping the child. Although his video continued to circulate, Bidwell began serving a 45-year prison term in 2002 after pleading guilty to child molestation and rape charges lodged in Georgia, as well as to certain federal crimes.)

The National Center for Missing and Exploited Children lauded the effort as "a tremendous example of how improved technology, law enforcement training, and teamwork can make a difference."

According to Attorney General Harvey, the key to Operation Guardian was the use of comparatively new technology that enabled law enforcement to detect child pornography files shared over the Internet, and trace them to computers on which they were stored. In a solid example of multi-jurisdictional cooperation, the investigation had its roots in Iowa, where a Special Agent with the Iowa Internet Crimes Against Children Task Force had made innovative use of the "file sifting" technology. During a two-day period, the software detected images of child pornography and traced them to 42 computer addresses in New Jersey. Evidence indicated that those New Jersey computer addresses had either received the child pornography files or offered to circulate them, or both. New Jersey State Police then worked with Deputy Attorneys General assigned to the Division of Criminal Justice within the Attorney General's Office to prepare subpoenas that led to search warrants.

In addition to the seizure of computers and child pornography files, Operation Guardian also resulted in the seizure of weapons — including some assault rifles — and some illegal drugs. Spin-off investi-



## 39 arrested



gations prompted by Operation Guardian continue in New Jersey as of this writing.

Agencies that worked with the New Jersey Attorney General's Office and State Police on Operation Guardian included the FBI, County Prosecutor's Offices throughout the state, approximately 35 municipal police departments in New Jersey, the U.S. Department of Homeland Security's Child Exploitation Group, the National Center for Missing and Exploited Children, and the New Jersey Regional Computer Forensic Laboratory (RCFL).

Located in Hamilton Township, Mercer County, the RCFL is a joint endeavor that combines the resources of the Attorney General's Office, the FBI and local law enforcement agencies. At the RCFL, highly-trained law enforcement personnel work as computer forensic examiners in support of investigations into a host of unlawful activities including: terrorism, financial fraud, identity theft, illegal "hacking" into private or restricted data bases, distribution of child pornography, and on-line luring by sexual predators.

## Identifying, Ending Exploitative Internet Business Practices

Under an agreement announced by Attorney General Harvey in 2005, Alyon Technologies, Inc., a North-Jersey-based Internet company, was required to change its practices to ensure that unwitting consumers were not linked in the future to pornographic "pop-up" images, and were not billed for Web-based services they never requested.

In May 2003, the State filed a three-count complaint against Alyon alleging that the company had engaged in fraudulent billing practices by switching Internet users to its network so as to bill them for its services — even though the users did not request those services.

Prior to an investigation by the Attorney General's Office, the State had received more than 700 complaints about Alyon — more than half of them from New Jersey residents — while states throughout the nation had also reported receiving high numbers of complaints.

Typically, complainants reported receiving bills from Alyon or its billing agent — often in the \$150 range — for access to on-line pornography. In most cases, the consumers denied accessing pornography, and said they had never authorized Alyon to charge them for on-line services.

Prior to the actual filing of a State complaint, some Web users had complained that they — and sometimes their children — had encountered pornographic "pop-up" images from the Alyon network while using Web sites that featured music or games.

The billing by Alyon of Internet users for services not requested, as well as incidents in which unsolicited materials "popped up" on computer screens, appears to have been caused by flaws that existed in a proprietary computer program used by Alyon. Specifically, the system could not detect or deter Internet use by minors or other unauthorized users, and sometimes generated incorrect billing due to database inaccuracies.

Under the agreement negotiated by the Attorney General's Office (22 other states signed onto the agreement), Alyon was prohibited from billing minors for its Internet services. The agreement also required that the company provide full cash refunds to all consumers who had submitted a complaint about Alyon services billed before June 15, 2003, and who had already paid. Regarding consumers who were billed prior to June 15, 2003 and refused to pay, Alyon was required to cancel their debt and halt all related collection activities.

Other cyber-crime cases from 2005 included:

❖ **Youth Gets Prison for "Hacking":** In August 2005, a 17-year-old Middlesex County youth was sentenced to five years in State Prison after being waived up to adult court and pleading guilty to sabotaging an on-line sports clothing business through "hacking." Jasmine Singh, of Edison, was also ordered by Superior Court Judge Frederick DeVesa to pay \$35,000 in restitution. Singh admitted in court to using a "bot net" to play havoc with the Internet server used by an on-line "retro" sports jersey seller in Burlington County. The constant Web site problems caused by Singh's hacking essentially halted the on-line seller's operation. Investigation revealed that Singh, who was hired by a competing retro-sports-jersey merchant, used his hacking prowess to direct computers around the globe to flood the Burlington County operator's computer with data.

❖ **Man Pleads Guilty to Theft Via On-Line Auctions:** In January 2005, the Division of Criminal Justice obtained a guilty plea to charges of theft by deception from 26-year-old Wayne J. DeVita of Lincroft, Monmouth County. DeVita had been charged with stealing more than \$50,000 from unwitting persons around the country who believed they were legitimately buying from him electronic merchandise — computers, scanners, printers, etc. — via the Internet auction sites e-Bay and Yahoo. DeVita admitted in court that he did not possess, and could not obtain, the merchandise he'd advertised, but had nonetheless collected advance cash payments from unsuspecting buyers on 22 different occasions. No merchandise was ever delivered, and cash payments were not returned.

# Kid porn arrest stuns community

84-year-old man charged after Operation Guardian raid

By JOE ZEDALIS  
STAFF WRITER



**LONG BEACH TOWNSHIP** — Residents expressed surprise and dis-

Arnold Boulevard in the High Bar Harbor section, was arrested Tuesday by state and local police. Authorities said he had no-

who identified herself as Beaumont's wife, Peggy, speaking through a front window at Beaumont's home, said they did not want to talk about the

adults and juveniles, including several from Monmouth and Ocean counties, police said.

"I would never have guessed something like this in a million years,"

# in child porn probe

**PE VICTIM WAS 5:** Video was sent on Net  
**RAPIST IN PRISON:** He got 45 years in Ga.

by MARGARET F. BONAFIDE  
STAFF WRITER

ities arrested 39 people from the state — including five from north and Ocean counties — following investigation into the sharing, via Internet, of a video clip showing the

raphy investigations in state history — was attributed to file-sifting technology used by a Wyoming task force that deals with crimes against children.

"The content is sick. Our detectives have seen it," said Col. Joseph "Rick" Fuentes, superintendent of the New Jersey State Police.

The arrests were made in 19 of the state's 21 counties. Suspects include a pediatric neurologist, a high school hockey

See Child porn, Page A7

Of the 39 people arrested during "Operation Guardian," five were from Monmouth and Ocean counties.

- **RIGOBERTO GARRO**  
40, EATONTOWN
- **ADRIAN MENDEGA**  
21, NEPTUNE
- **FREDERICK KRAGE V**  
21, JACKSON
- **MATTHEW FORBES**  
20, LAKEWOOD
- **UNNAMED JUVENILE**  
14, BRICK

# Newark housing official indicted over child porn

Former counsel allegedly downloaded images at work

By JEFFERY C. MAYS AND KATIE WANG  
STAR-LEDGER STAFF

The former general counsel for the Newark Housing Authority has been indicted for allegedly downloading and watching more than 70 images of child pornography on his government-owned computer while at work, state officials said yesterday.

Frank L. Armour, 64, of East Hanover was indicted for possession of child pornography

ing authority by the U.S. Department of Housing and Urban Development and is in danger of being taken over by the federal government.

Armour worked at the agency for more than 18 years before retiring March 1, 2004. The indictment alleges he downloaded and viewed the pornographic images, depicting nude boys and girls and adults





# Leading the Nation in Prosecuting Insurance Fraud

**A**lthough insurance fraud remains one of the nation's major illegal growth industries, the Attorney General's Office — largely through the enforcement and outreach efforts of the Office of the Insurance Fraud Prosecutor — continued in 2005 to set standards of excellence for prosecuting insurance cheats, and for deterring fraud activity through awareness. The office is led by Greta Gooden-Brown, the Insurance Fraud Prosecutor.

Part of the Division of Criminal Justice, the Office of Insurance Fraud Prosecutor has been ranked the top insurance fraud prosecuting agency in the nation by the independent, Washington-D.C.-based Coalition Against Insurance Fraud. One example of OIFP's track record of increasing effectiveness: in 2000, OIFP prosecution efforts resulted in 17 defendants being sentenced to county jail or State Prison time, and approximately \$1.1 million in court-ordered restitution. In 2005, OIFP prosecutions sent 125 defendants to jail or prison, and court-ordered restitution topped \$87 million.

## International Awards

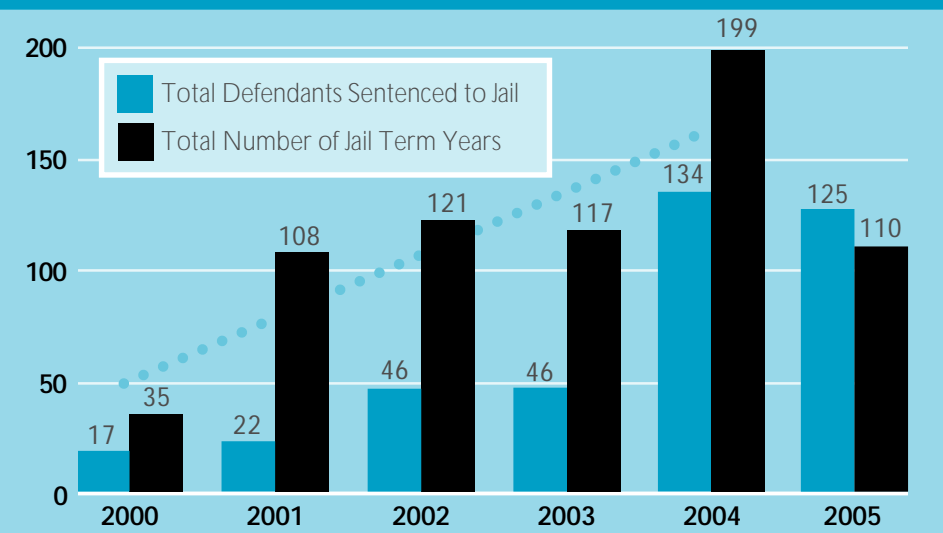
In 2005, OIFP's stellar work resulted in recognition as a semi-finalist for the International Association of Chiefs of Police Motorola Webber Seavey Award for Quality in Law Enforcement. The award is presented annually to agencies and departments worldwide for promoting a standard of excellence that exemplifies law enforcement's contribution and dedication to the quality of life in local communities. Named for Webber S. Seavey, the IACP's first president, the award recognizes effective use of resources, creativity and innovation, action that improves services to the community, action that strengthens law enforcement relations and promotes community participation, and enhanced communications within, and cooperation among, law enforcement agencies.

Among other awards for excellence presented to the OIFP recently are awards from the International Association of Arson Investigators, the International Association of Special Investigative Units, the United States Social Security Administration, and the New Jersey Vehicle Theft Investigators Association.

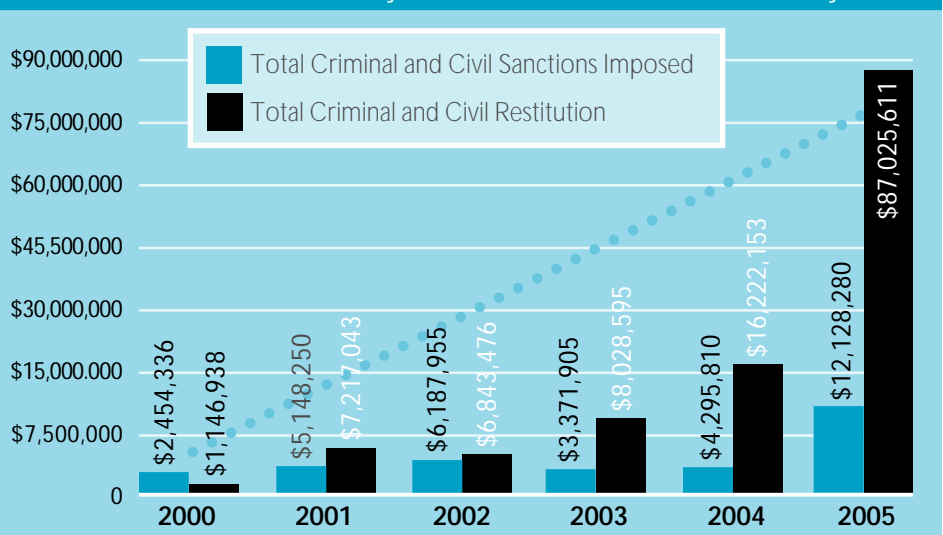
## Cases

Of course, industry accolades are only one yardstick for insurance fraud prosecution achievement. Successful cases are the surest measure of effectiveness, and in 2005, the OIFP investigated and prosecuted many significant fraud cases. Among other successes, the OIFP obtained a nine-year prison sentence against a Hudson county businessman found guilty of submitting hundreds of thousands of dollars worth of fraudulent reimbursement claims for prescription medications handled by his business.

OIFP Defendants Sentenced to Jail Time & Total Number of Jail Term Years



OIFP Criminal & Civil Monetary Sanctions and Restitution Summary



## Lawyers, Law Firm Charged With Racketeering; \$5 Million Restitution Sought

In November 2005, Attorney General Harvey and Insurance Fraud Prosecutor Brown announced that the OIFP had filed racketeering and conspiracy charges against two Essex County attorneys, their law firm, and 28 other individuals as part of an ongoing insurance fraud investigation. The investigation targeted illegal use of "runners" — individuals who solicited other persons to aid in the alleged scam by agreeing to serve as phony accident "victims" — and sought restitution in the amount of \$5 million. The racketeering and conspiracy charges represented the first time OIFP had employed New Jersey's Racketeer Influenced & Corrupt Organization (RICO) statute to prosecute an attorney and a law firm for the criminal use of "runners" and related insurance fraud crimes.

The case represented an aggressive approach by OIFP in pursuing individuals involved in manufacturing fake accidents to collect tens of thousands of dollars in illegal insurance claims and settlement payouts. In addition to the two attorneys and their Essex County law firm, five runners and 23 phony accident victims were charged with criminal racketeering, conspiracy to commit racketeering, auto-insurance-related Health Care Claims fraud, theft by deception, tax fraud and other criminal counts.

Specifically, the indictment charged that between Oct. 30, 1993 and Sept. 15, 2005, attorneys Irwin B. Seligsohn, 69, of Kinnelon, Morris County, Allen S. Goldberger, 72, of Livingston, Essex County, and the law firm of Seligsohn, Goldberger & Shinrod of West Orange conspired to pay runners to solicit persons to participate in staged automobile accidents so that automobile insurance Personal Injury Protection (PIP) and other insurance claims could be submitted to various insurance companies. Runners used in the alleged scam were charged with illegally receiving payments for their services, violating State income tax laws, and with aiding in the submission of phony insurance claims while knowing that the accidents were staged and that no one was actually injured. Other defendants named in the indictment, alleged to be insurance claimants, were charged with Health Care Claims Fraud for assisting in the submission of the phony insurance claims.

The indictment seeks the forfeiture of an estimated \$5 million dollars in financial assets obtained by the law firm of Goldberger, Seligsohn and Shinrod, as a result of the alleged fraud scheme. The indictment seeks investments, bank accounts, office equipment, real estate, and other assets obtained as proceeds from engaging in theft by deception, health care claims fraud, use of runners, and tax fraud.

## South Jersey Entrepreneur Charged with Health Care Claims Fraud

In another 2005 case involving the alleged use of runners, the OIFP obtained a fraud indictment in December 2005 against a Camden County businessman who owned and operated a chiropractic clinic, as well as two medical service and supply companies.

Orlando Rolon, 49, of Runnemede, was charged in a State Grand Jury indictment with conspiracy, health care claims fraud, attempted theft by deception, misconduct by a corporate official and other criminal counts. Rolon was accused of bilking insurance companies out of thousands of dollars through the submission of fraudulent claims for medical services and supplies provided to accident victims — patients often secured by the use of runners.

Specifically, the indictment charged that between Dec. 11, 1998 and Feb. 13, 2002, Rolon and his girlfriend, Erika Ramos, participated in a conspiracy to fraudulently bill insurance companies nearly \$135,000 for medical treatments, supplies, and transportation services provided to patients injured in automobile accidents. Rolon allegedly created a system of companies that provided medical treatments, supplies, and transportation services. The Rolon-owned companies were identified as Brotherhood Rehabilitation Associates, P.C., a chiropractic treatment center in Camden, JOL & M Medical Supply Company of Berlin, and OR Medical Transport of Camden.

Among other things, the indictment alleged that Rolon, who had no medical or chiropractic license, created the appearance that a licensed chiropractor actually owned, operated and controlled the Brotherhood clinic in order to submit insurance claims for payment. It was alleged that Erika Ramos, who was employed at the Brotherhood clinic, was listed as the owner/operator of



Greta Gooden-Brown,  
Insurance Fraud  
Prosecutor

## Office of the Insurance Fraud Prosecutor

The Office of The Insurance Fraud Prosecutor is located within the Division of Criminal Justice.

- Greta Gooden-Brown, Insurance Fraud Prosecutor
- Tina Polites, Chief, Auto Fraud Unit
- Lewis J. Korngut, Chief, Property and Casualty Unit
- Norma R. Evans, Chief, Health and Life Unit
- John Krayniak, Chief, Medicaid Fraud Control Unit
- Sheila Brown, Deputy Chief Investigator

[www.NJInsuranceFraud.org](http://www.NJInsuranceFraud.org)

**Electrologist sentenced for insurance fraud**  
Gets 7-year term; denied new trial

By EMAN VAROQUA  
STAFF WRITER

A Wayne hair removal center was closed for good after its owner was sentenced to seven years in prison for insurance fraud.

**Woman found guilty in nearly \$1M fraud**

By EMAN VAROQUA  
STAFF WRITER

A Wayne businesswoman has been found guilty of a nearly \$1 million insurance fraud scheme involving a hair removal center on Hamburg Turnpike. She said during a 10-day trial that she didn't try to defraud anyone when she billed for electrolysis — the process of using

THE STAR-LEDGER  
SATURDAY, SEPTEMBER 24, 2005

**For stealing \$79M, he gets 10 years**

BY MARGARET McNEEN  
STAR-LEDGER STAFF

A businessman whose insurance empire tumbled when he was discovered stealing \$79.8 million in commercial property premiums was ordered yesterday to spend up to 10 years behind bars, a sentence a judge in Morris County said seemed too lenient.

The Grappano, 54, did not serve his sentence but was

The sentencing was postponed numerous times while Grappano resolved federal charges that he had stolen from banks. In May, he had stolen from one count of back pleaded guilty to one count of back pleaded guilty to one count of back pleaded guilty to one count of back

Deputy Attorney General Lewis Korngut defended Grappano's plea deal, saying it was in the state's best interest. Prosecuting him for the complicated financial scheme that had cost millions of dollars.

In the heyday of Grappano's National Program Services and related businesses, "everybody is going to Vito" because he offered the lowest rates, state investigator Allen Blucher Jr. said in an interview last year.

Grappano, who went into business more than 25 years ago, was able to do that by misrepresenting the risk of customers to the insurance companies to get the lowest rates and telling his customers they were getting a better policy

the business unable to meet its payroll and other operating expenses, according to defense attorney Lawrence Lustberg.

Grappano began borrowing large sums of money and using premiums payments from policyholders — large real estate management companies — to cover NPS costs, Lustberg said.

And when claims came in for coverage that customers thought they had, Grappano paid them.

"This was a real Peter to pay Paul situation," Lustberg said. The



JOL&M Medical Supply so that it would appear to insurance companies that JOL&M Medical Supply was independent from Brotherhood. In fact, the company was owned, operated, and controlled by Orlando Rolon. Ms. Ramos, of Pennsauken, was also charged in the indictment. The indictment accused Rolon of using runners to solicit accident victims in order to ensure a steady stream of patients for the Brotherhood clinic, which provided chiropractic treatments, physical therapy, and other medical services to patients injured in automobile accidents. As part of the alleged insurance fraud, Rolon was accused of listing a deceased person — chiropractor Dr. Michael Marek — as the owner of the clinic and arbiter of patient medical decisions at Brotherhood. Rolon was also accused of forging, or having forged, the signature of the dead chiropractor on claim forms submitted to insurance companies. Additionally, Rolon is charged with enticing patients to seek care at the Brotherhood clinic by offering payments of between \$200 and \$300. It is also alleged that some patients solicited by “runners” bought medical supplies from JOL & M Medical Supply Company as part of their treatment, and that OR Medical Transport was used to transport patients to and from the Brotherhood clinic and other Rolon-controlled locations.

“These prosecutions involving runners are important, because the use of runners has a domino effect on the entire insurance industry,” said Insurance Fraud Prosecutor Gooden-Brown. “Runners are paid to procure patients and clients. Runners, in turn, stage accidents and urge people who are not injured to be treated for injuries. They submit false police auto accident reports and engage in other fraudulent conduct which drives up the cost of auto insurance.”

## Other Insurance Fraud Prosecutions

❖ The sentencing, in September 2005, of former insurance broker Vito Gruppuso to 10 years in State Prison following his guilty plea in 2004 to multiple charges of insurance-fraud-related theft. Gruppuso, of Berkely Heights, pleaded guilty to running a massive insurance scam that bilked five different insurance companies out of more than \$78 million between 1998 and March 2004. The former president of a Cedar Knolls-based brokerage known as National Premium Services, Gruppuso was first charged by the State in 2002 with pocketing more than \$500,000 in client funds. Subsequent investigation revealed a more expansive fraud scheme. A commercial insurance broker whose clients were major real estate management companies across the nation, Gruppuso sold clients extensive insurance packages — and obtained significant commissions for those sales — then arranged for insurance coverage that was inferior to what clients believed they had purchased. In addition to his 10-year prison term, Gruppuso was ordered by a New Jersey Superior Court Judge in Morris County to pay a total of more than \$78 million in restitution to the five insurance companies he defrauded — Wausau Insurance Company (\$3.7 million), AIG Insurance Company (\$6.3 million), XL Insurance Company (\$4.9 million), Virginia Surety Insurance Company (\$15.8 million) and Kemper Insurance Company (\$48 million).

❖ The sentencing, in April 2005, of Hudson County businessman James Clark to nine years in State Prison for submitting more than 400 fraudulent health insurance claims totaling more than \$300,000 in illegal payments. Clark was president of Home Health Care Center, Inc. Clark, 49, of Union City, was also ordered by New Jersey Superior Court Judge Michael A. Petrolle, sitting in Essex County, to pay a \$5,000 fine. Clark was found guilty of theft by deception and Health Care Claims Fraud charges following a jury trial in February 2005. Home Health Care Center was in business to deliver prescription medications from pharmacies to person's

homes and was not licensed to dispense or otherwise sell prescription medications. Clark was neither a medical service provider nor a licensed pharmacist. Clark misrepresented to Horizon Blue Cross/Blue Shield, which administers health care claims for the State Health Benefits Program, that Home Health Care was licensed to supply, dispense, and sell prescription medications, and was entitled to payment or reimbursement from the State Health Benefits Plans for the cost of the medications.

❖ The sentencing to five years in State Prison of Eliezer Martinez, the former owner and chief executive officer of a defunct mental health counseling center in Camden City. Martinez, 57, was convicted in 2004 of submitting more than \$137,900 in fraudulent bills to the Medicaid Program. The Medicaid Program, which is funded by the state and federal governments, provides health care services and prescription drugs to persons who may not otherwise be able to afford such services and medicines. The State of New Jersey administers the Medicaid Program through the Division of Medical Assistance and Health Services and through the Office of Insurance Fraud Prosecutor's Medicaid Fraud Section, which investigates both criminal and civil Medicaid fraud. In addition to being sentenced to prison time, Martinez was ordered to pay more than \$275,900 in criminal fines and \$137,900 in restitution.

❖ The sentencing in January 2005 of a Hudson County man to five years probation, \$10,400 in restitution payments, and a \$5,000 civil insurance fraud fine for his role in an automobile “give up” scam. Israel Rivera, 34, of Jersey City, pleaded guilty in November 2004 to falsely reporting the theft of his Honda Civic a year earlier. He submitted an insurance claim for the “stolen” auto in the amount of more than \$10,000, and was paid by an insurance company.

## Ex-doctor indicted in insurance fraud

TRENTON — A former Mercer County neurologist, his former medical practices and medical supply companies and his former office manager have been indicted on charges of insurance fraud.

## Union City man guilty of fraud

By Michaelangelo Conte  
Journal staff writer

An Essex County jury has convicted a Union City businessman on theft and fraud charges after he pocketed about \$343,000 by filing more than 400 fraudulent health insurance claims through his businesses in Hoboken and Weehawken. James Clark, 49, of Mountain Road in Union City, was convicted of two counts of

Hamilton Neurodiagnostic Associates and Neurology Pain Center, all formerly on Whitehorse-Mercerville Road in Hamilton; and National Regulated Equipment Co., formerly located

## Financial planner pleads guilty to taking \$300K

By MARY ANN D'URSO  
Staff Writer

TRENTON — A former Hunterdon County insurance broker and financial planner pleaded guilty Monday to stealing more than \$300,000 from the retirement accounts of a 79-year-old Somerset County man. The defendant, who was 51 at the time of the crime, was charged with

A state grand jury indicted Chamberlain in November 2004 on charges that from Sept. 11, 1997, to July 5, 2003, he looted the victim's annuity accounts and stole personal property, including a grand piano and personal music manuscripts and computer equipment. The victim notified him in 2003 that he owed more than \$56,000 in back taxes for withdrawals from the annuity accounts. A decorated Army veteran, the victim was a member of the National Guard.





## Working to Help the Victims of Sexual, Domestic Violence

In 2005 — as it unveiled the newest statewide Uniform Crime Report (2004) data — the Attorney General's Office had positive news for New Jerseyans. Overall, the state's crime rate had dropped by 4 percent compared to the prior year, and the rate of violent crime had declined by 2 percent.

But along with evidence of a generally safer New Jersey came some sobering news as well: the number of sexual assaults statewide had actually increased by 4 percent in 2004 (from 1,283 reported assaults in 2003 to 1,328.)

The new UCR numbers were troubling, and they confirmed that sexual assault remained not only a public safety problem unlike any other, but one that would require innovation — and a long-term commitment of resources — to effectively address.

### Training Sexual Assault Response Teams

Consistent with this philosophy, the Attorney General's Office continued in 2005 to refine and strengthen available services for rape victims through its ground-breaking Sexual Assault Response Team/Sexual Assault Nurse Examiners (SART/SANE) initiative.

In April 2005, Attorney General Harvey announced that more than 100 county Sexual Assault Response Team Advisory Board members from throughout New Jersey had completed a mandatory training session focused on newly-revised "Standards for Providing Services to Victims of Sexual Assault." The project was conducted by Jessica Oppenheim, Linda Rinaldi, and Connie Schwedes in the Division of Criminal Justice.

The new, higher standards were designed to enhance preparation and training for SART/SANE personnel, and to reaffirm the idea that SART/SANE is a victim-focused program — a safe way for sexual assault victims to come forward without fear of being victimized a second or third time by the same system that is supposed to be helping them.

The new standards for victim services were

created on the basis of recommendations by the Attorney General's SART/SANE Coordinating Council, which included representation from the Division of Criminal Justice, the New Jersey County Prosecutors Association, the New Jersey Sex Crimes Officers Association, Sexual Assault Nurse Examiners, New Jersey Board of Nursing, New Jersey Coalition Against Sexual Assault, and the New Jersey Division on Women. The College of New Jersey (TCNJ) also provided significant resources to the statewide program.

Under the SART/SANE initiative, special Sexual Assault Response Teams are stationed in all New Jersey counties. The teams are located within the 21 respective County Prosecutors Offices, and are made up of rape care advocates, law enforcement officers and registered professional nurses who serve as Sexual Assault Nurse Examiners (SANE). The services are available 24 hours a day, 7 days a week. The

SART/SANE concept is founded entirely on a "team" approach, and one of its chief objectives is to ensure that every victim of sexual assault has access to quality health care treatment, and in a timely fashion.

Under SART/SANE, the victims of sexual assault are provided quick and thorough care in well equipped, specialized facilities. The Sexual Assault Nurse Examiners work collaboratively with police officers and rape care advocates to provide the best services available, while always ensuring that a victim's needs, concerns and questions are addressed.

Sexual Assault Nurse Examiners are specially trained to provide comprehensive and sensitized care, while also making sure that potential evidence is collected in a manner that is timely, precise, and in keeping with law enforcement protocols. Rape Care Advocates, meanwhile, are trained to provide support services for the



*The Attorney General's SART/SANE initiative provides victims of sexual violence with compassionate, post-victimization health care. It also provides victims with support in dealing with the necessary, but sometimes stressful, criminal justice process.*

## Statewide SART/ SANE Program — Participating Hospitals by County

<b>Atlantic</b>	<ul style="list-style-type: none"> <li>Atlantic City Medical Ctr., Atlantic City</li> <li>Atlantic Kessler, Hammonton</li> <li>Atlantic Shore Memorial, Somers Point</li> </ul>
<b>Bergen</b>	<ul style="list-style-type: none"> <li>Englewood, Englewood</li> <li>Hackensack, Hackensack</li> <li>Holy Name, Teaneck</li> <li>Pascack Valley, Westwood</li> <li>Valley, Ridgewood</li> </ul>
<b>Burlington</b>	<ul style="list-style-type: none"> <li>Our Lady of Lourdes Medical Ctr., Willingboro</li> <li>Virtua Hospital, Marlton</li> <li>Virtua Hospital, Mount Holly</li> </ul>
<b>Camden</b>	<ul style="list-style-type: none"> <li>Cooper Health Systems, Camden</li> <li>Kennedy Health Systems, Stratford</li> <li>Our Lady of Lourdes Medical Ctr., Camden</li> </ul>
<b>Cape May</b>	<ul style="list-style-type: none"> <li>Burdette Tomlin, Cape May Court House</li> </ul>
<b>Cumberland Essex</b>	<ul style="list-style-type: none"> <li>Regional Medical Ctr., Vineland</li> <li>Clara Maass, Belleville</li> <li>Hospital of the University of Medicine &amp; Dentistry, Newark</li> <li>Newark Beth Israel, Newark</li> <li>St. Barnabas, Livingston</li> </ul>
<b>Gloucester</b>	<ul style="list-style-type: none"> <li>Kennedy Memorial, Washington Twp.</li> <li>Underwood-Memorial, Woodbury</li> </ul>
<b>Hudson Hunterdon Mercer</b>	<ul style="list-style-type: none"> <li>Christ, Jersey City</li> <li>Hunterdon Medical Ctr., Flemington</li> <li>Capital Health System-Mercer Campus, Trenton</li> <li>Capital Health System-Helene Fuld, Trenton</li> <li>Princeton Medical Ctr., Princeton</li> <li>Robert Wood Johnson, Hamilton</li> </ul>
<b>Middlesex</b>	<ul style="list-style-type: none"> <li>Middlesex County Public Health Department, Edison</li> <li>Robert Wood Johnson, New Brunswick</li> </ul>
<b>Monmouth</b>	<ul style="list-style-type: none"> <li>Bayshore Community, Holmdel</li> <li>CentraState Medical Ctr., Freehold</li> <li>Jersey Shore Medical Ctr., Neptune</li> <li>Monmouth Medical Ctr., Long Branch</li> <li>Riverview Medical Ctr., Red Bank</li> </ul>
<b>Morris</b>	<ul style="list-style-type: none"> <li>Chilton Memorial, Pompton Plains</li> <li>Morristown Memorial, Morristown</li> <li>St. Claire's, Denville</li> <li>St. Claire's, Dover</li> </ul>
<b>Ocean</b>	<ul style="list-style-type: none"> <li>Community Medical Ctr., Toms River</li> <li>Kimball Medical Ctr., Lakewood</li> <li>Brick Hospital, Brick</li> <li>Southern Ocean Community, Manahawkin</li> </ul>
<b>Passaic</b>	<ul style="list-style-type: none"> <li>St. Joseph's Hospital, Paterson</li> <li>The General Hospital, Passaic</li> </ul>
<b>Salem Somerset</b>	<ul style="list-style-type: none"> <li>Regional Medical Ctr., Vineland</li> <li>Somerset Medical Ctr., Somerville</li> <li>Women's Health &amp; Counseling Ctr., Somerville</li> </ul>
<b>Sussex</b>	<ul style="list-style-type: none"> <li>Newton Memorial Hospital, Newton</li> <li>Sussex Hospital, Sussex</li> </ul>
<b>Union</b>	<ul style="list-style-type: none"> <li>Muhlenberg Regional Medical Center, Plainfield</li> <li>Overlook Hospital, Summit</li> <li>Rahway Hospital, Rahway</li> <li>Trinitas Hospital, Elizabeth</li> </ul>
<b>Warren</b>	<ul style="list-style-type: none"> <li>Warren Hospital, Phillipsburg</li> <li>Hackettstown Community Hospital, Hackettstown</li> </ul>

victim through the medical and forensic examination, and beyond. Under the SART/SANE philosophy, the role of Rape Care Advocate is viewed as crucial to the post-victimization healing process. The job of a Rape Care Advocate is to focus solely on the needs of the sexual assault victim, whether those needs involve crisis intervention services, counseling and referral, information on available options, or other concerns.

Along with medical care and advocacy for rape victims, an equally vital goal of SART/SANE is to enable law enforcement to obtain the evidence required to successfully investigate and prosecute sex offenders. Police assigned to Sexual Assault Response Teams receive specialized training in the area of investigating sex crimes. At the same time, the SART/SANE approach emphasizes the need to create an environment in which women can feel comfortable while taking part in the essential — but sometimes difficult and emotional — process of working with law enforcement investigators and prosecutors. The benefit of such an approach is two-fold. On one hand, it ensures that victims will receive the kind of compassionate treatment they have a right to expect. In addition, it often helps increase the comfort level, and the resolve, of victims, making them better able to assist law enforcement in prosecuting their attackers.

Since its inception in 1996, the state-wide SART/SANE program has received more than \$3 million in funding from the Division of Criminal Justice through the Office of Victim-Witness Advocacy. There are 175 Sexual Assault Nurse Examiners and 55 New Jersey hospitals working as part of the statewide program. For information on becoming a Sexual Assault Nurse Examiner, call 609-984-7346. For information on becoming a Rape Care Advocate, call 609-631-

4450 or visit the Division of Criminal Justice Web site at [www.njdcj.org](http://www.njdcj.org).

## Domestic Violence Training

Domestic violence touches the lives of an estimated 80,000 people each year — most of them women, children and the aged. In 2002, more than 50 people died in New Jersey as the result of domestic violence, a 30 percent increase over the prior year.

Consistent with its ongoing commitment to address all forms of violence against women, the Attorney General's Office continued in 2005 to provide specialized training sessions for law enforcement in dealing with domestic violence and related issues. Through its Division of Criminal Justice, the Attorney General's Office provided advanced training courses designed to help law enforcement professionals gain a better understanding of the dynamics of domestic violence, knowledge of related laws, and a thorough grasp of the elements required to effectively respond to, investigate and prosecute domestic violence cases.

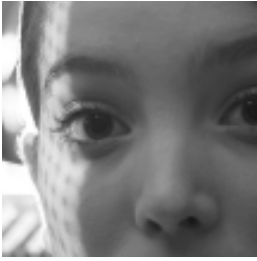
Employing actors and experienced, knowledgeable instructors, the DCJ-sponsored training courses explore a full range of domestic-violence-related issues. The courses also provide specialized instruction to law enforcement personnel in dealing with domestic-violence-related incidents, which are often among the most sensitive — and potentially dangerous — incidents they handle. The training focuses on everything from the first call made to police to investigative techniques, recognition of legal issues involved, and the prosecution of formal charges. Victims of domestic violence are urged to call the New Jersey Domestic Violence Hotline at 1-800-572-SAFE(7233).

## AG Harvey Honored for Work to Prevent Violence Against Women, Children

In November 2005, Attorney General Harvey was presented the New Jersey Sex Crimes Officers Association's annual "Outstanding Service Award" for his commitment and leadership in the prevention of violence against women and children. The Attorney General was honored at the 8th Annual Sex Crimes Information Sharing Conference, held at the Clarion Hotel in Egg Harbor Township, near Atlantic City, and co-hosted by the SART/SANE Program and the New Jersey Sex Crimes Officers Association. Attorney General Harvey was chosen to receive the award for his active and visible support of SART/SANE, which has enabled the program to make a consistently positive impact on services provided to the victims of sexual assault.



*Attorney General Harvey is presented with the "Outstanding Service Award" of the New Jersey Sex Crimes Officers Association in November 2005.*



# Combating Human Trafficking: Working Collaboratively to Stop Exploitation, Assist Victims

**T**he Attorney General's Office continued to work collaboratively with law enforcement and other agencies in 2005 to prevent human trafficking, and to provide assistance to trafficking victims.

Human trafficking — typically involving illegal immigrants who are sold into domestic servitude, exploited as cheap labor or forced into prostitution — is a growing concern in New Jersey and across the nation.

## The Problem

Experts believe that between 15,000 and 20,000 immigrants are smuggled into the country each year — an estimated 4,000 of them into New Jersey. Typically brought here from Asia, Latin America and Eastern Europe, the illegal immigrants are often forced into domestic slavery, “sweatshop” factory labor and migrant farm work, or are exploited in sex-for-sale enterprises.

Often, human traffickers take advantage of those who are poor and unemployed — or underemployed — and who have no access to social safety nets.

Victims are enticed with bogus offers of good-paying work and “better lives,” then forced to toil for substandard wages under inhumane conditions. Typically, they are threatened with deportation, violence or death if they should report the treatment to which they are being subjected.

## Early Prosecution

As a result of a cooperative state-federal investigation spearheaded largely by the Division of Criminal Justice, three people were successfully prosecuted for inducing Russian women to enter the United States illegally, and compelling them to dance nude in strip clubs in Manville, South Amboy and Lakewood.

The defendants represented to the Immigration and Naturalization Service (INS) in 2002 that the women were coming to the United States to tour with an internationally recognized or culturally unique Russian show group.

Instead, they threatened the women with serious injury or Russian-mob retaliation if they did not engage in nude dancing or pay the defendants \$200 a day from their earnings as nude dancers. The women were typically forced to work at the nude dancing establishments six days a week, eight to 10 hours a day, with only one additional day off a month.

The defendants — including a U.S. citizen of Russian descent and a Russian national in the U.S. on an expired visa — pleaded guilty in 2004

to human-trafficking-related federal charges, and were later sentenced to federal prison terms.

## NJ Anti-Trafficking Initiative

In recognition of the growing human trafficking problem, the Attorney General's Office continued in 2005 to collaborate with a variety of law enforcement, social service and other agencies through its support of the New Jersey Anti-Trafficking Initiative. As the name implies, the New Jersey Anti-Trafficking Initiative was developed to discourage human trafficking, and to assist the victims of trafficking by connecting them with resources and services that can help them avoid further exploitation. The latter mission is vital, because many who are victimized lack financial and other resources, have no knowledge of how to access agencies that can help, and are fearful of reaching out in the first place.

The Anti-Trafficking Initiative is a collaborative effort involving the International Institute of New Jersey, state and federal law enforcement agencies, government human services agencies, the Monmouth University School of Social Work, Safe Horizon, a New-York-based violence prevention organization that also assists the victims of crime and abuse, and the Archdiocese of Newark.

The Initiative was established in 2004 following a statewide conference in which stakeholders from throughout New Jersey gathered to share information and perspectives on the human trafficking problem, discuss gaps in available services for trafficking victims, and generate recommendations for filling those gaps.

The Initiative aims to develop a coordinated statewide system for identifying trafficking victims and getting them the help they need. This includes increasing awareness and understanding of the scope of human trafficking in New Jersey; identifying and strengthening areas where coordination and services are lacking; and establishing a network of law enforcement officers, service providers and other first responders to help trafficking victims in the state. The Initiative held its first Advisory Committee meeting on August 26, 2003. Participants included social and legal service providers; law enforcement officials; and state and federal government officials. Initial discussions focused on increasing trust between trafficking victims and law enforcement, and the need for emergency shelter for pre-certified trafficking victims.

In 2005, the Initiative played a key role in assisting approximately 20 women and girls from Honduras who had been enticed to illegally emigrate to Union City with the promise of waitress jobs. In fact, the women ended up being confronted with massive debt — smugglers were alleged to have demanded fees of \$20,000 per woman — allegedly sexually assaulted, and forced to sell themselves for sex. The women were arrested in January 2005. However, largely through the efforts of the Anti-Trafficking Initiative, they were provided safe shelter, food and other assistance pending attempts to obtain services — available under the federal Trafficking Victims Protection Act of 2000 — that would enable them to find housing and, possibly, live and work legally in the United States.

## ‘Slavery’ called a growing fear for immigrants

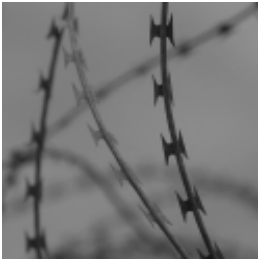
Thousands being exploited,  
activist tells Paramus panel

By MIGUEL PEREZ  
STAFF WRITER

PARAMUS — Victims of hu-

He said victims are much more likely to open up to civilians who speak their own language than to law officers.





# NJ VINE: Giving Crime Victims Immediate Information about an Offender's Custody Status

**F**or many crime victims, the ordeal continues long after their initial victimization.

Even if the offender who victimized them is captured, successfully prosecuted and sent to jail or state prison, many crime victims continue to live in fear that the perpetrator may one day return to harm them in some way.

For such victims, it is important to know if and when the offender who targeted them is released from a correctional facility.

With that in mind, the Attorney General's Office spearheaded a new initiative in 2005 called NJ VINE — Victim Information and Notification Everyday — whereby crime victims can keep abreast of the custody status of offenders housed in any of New Jersey's county jails, state adult correctional facilities and most juvenile facilities.

NJ VINE works one of two ways. Victims can call a toll-free number (1-877-VINE-4-NJ) for updates on the custody status of offenders who victimized them, and/or they can register a telephone number or numbers where they can be automatically notified if an offender is released or transferred.

NJ VINE is a software system designed to provide information and notification regarding the incarceration status of criminal offenders. The system operates through an interface with state-of-the-art computers that function as the New Jersey correctional system's central data base.

The Division of Criminal Justice within the Attorney General's Office launched the NJ VINE system in 19 counties in early December 2005, with the remaining two counties scheduled to be on line by year's end or early in 2006.

If a crime victim wishes to participate in the automatic notification aspect of NJ VINE, he or she must register by providing a telephone number or numbers — as well as a four-digit personal identification number (PIN). Crime victims can register by calling, toll-free, from a touch-tone phone to 1-877-846-3465. The victim's contact and PIN information are input into the system, but kept confi-

dential. Offenders do not know when their victims have been registered with NJ VINE.

At regular intervals, NJ VINE automatically updates prisoner status information and, if victims have registered for it, attempts to notify them by phone of any changes in their specific offender's custody status. If NJ VINE is unable to contact a victim within 24 hours, a letter is generated by the system and sent to the victim by the appropriate County Prosecutor's Victim Witness Coordinator.

The automatic notification feature of NJ VINE eliminates the need for crime victims to

constantly call a County Prosecutor's Office to determine an offender's custody status.

NJ VINE is a cooperative effort involving not only the Attorney General's Division of Criminal Justice, but the following agencies as well: the State Office of Victim/Witness Advocacy, the Department of Corrections, the 21 County Prosecutor's Offices, New Jersey State Police, the New Jersey Parole Board and the Juvenile Justice Commission. It was one more example in 2005 of the Attorney General's commitment to protecting the safety, and enhancing the peace of mind, of crime victims throughout New Jersey.

*Shown here is a poster for posting in help centers. A similar card, brochure and Web site are also part of the awareness campaign.*

New Jersey  
**VINE**

**Providing  
crime victims  
peace-of-mind  
by knowing  
where their  
offenders are.**

**Victim Information & Notification Everyday**

New Jersey VINE provides  
Statewide Victim Assistance  
and Notification 24 hours  
a day, 7 days a week.

This important  
information is only  
a phone call away.

**1-877-VINE-4-NJ**  
(1-877-846-3465)  
Call today for peace of mind

www.victimwitness.nj.gov/vine

State of New Jersey  
Office of the Attorney General



# Reaching Out: Attorney General Visited Schools to Deter Gang Activity and Violence

**A**lthough enforcement is a crucial element in the continuing effort to keep young people from drinking underage, committing acts of violence and engaging in street gang activity, enforcement alone is not the answer.

That truism was the core philosophy behind Attorney General Harvey's series of visits to public schools throughout New Jersey in 2005. During those visits, the Attorney General met face-to-face with thousands of students of all ages, and engaged in frank discussions with them about the choices they face, and the potential impact of those choices. Among schools visited were: East Orange Campus High School, Newark Eastside High School, Cliffside Park High School, Teaneck High School and West Orange High School.

## Discussing Ramifications of the "Thug Life" With Middle School Students

In April 2005, Attorney General Harvey visited the East Orange School District and met

with hundreds of middle school students in grades six, seven and eight. The central focus of the discussion was the manner in which images popularized in music, videos and clothing have helped to mythologize violent behavior and glorify the "thug" lifestyle.

Joining Attorney General Harvey was Dr. Duane Dyson, Chairman of the Violence Prevention Institute, a non-profit organization that sponsored the event as part of an ongoing, statewide campaign to educate young people about the real-life consequences of violence.

"Outreach to our schools — including candid give-and-take sessions like the one in East Orange — is crucial to connecting with young people and their parents, to de-glamorizing the thug life, and to reinforcing education, respect and other life-affirming values," said Attorney General Harvey, who returned to East Orange shortly after his visit with middle school students there for a similar session with East Orange High School students.

"It's true that enforcement is vital to making our neighborhoods safe and upholding the law, but enforcement is not a complete solution, and never can be," he added. "We have to establish, and sustain, a conversation with our young people that helps them recognize the worth — in their own lives and in the community — of making positive choices. We simply cannot arrest, prosecute and incarcerate every troubled young person."

## Focusing H.S., College Students on Sex Assault, Domestic Violence

Consistent with his focus on violence and its effect on young lives, the Attorney General visited Bergen County Community College in Paramus, in October 2005. On that occasion, he met with approximately 300 high school and college students to discuss the issues of domestic violence and sexual assault. The most recent New Jersey Uniform Crime Report data showed that, despite a reduction in crime overall statewide, there had been an increase in domestic violence and sexual assault, including among the elderly and young people. Attorney General Harvey was joined for the Bergen County event by representatives of the county government, as well as representatives of the Association of Black Women Lawyers.

While the Attorney General's Office continued throughout 2005 to engage students in conversation about the false glamour of violence and gangs, there was also a concerted effort to focus attention on other critical issues — including underage drinking, and drinking and driving (see pages 54 through 56).

*Shown at left are posters displayed at NJ Transit bus stops throughout New Jersey. Both English and Spanish language posters were created by our in-house communications staff.*



## In Plainfield, special guest warns kids about gangs

State attorney general makes stop at Boys & Girls Clubs of Union County.

By CHAD WEISSBACH  
Staff Writer

**PLAINFIELD** — Attorney General Peter C. Harvey visited the city Monday for the second time in a week, this time to promote an initiative that aims to build up and protect young people before they can be pulled into gang life.

sworn some of their toughest questions based on real-world experiences:

What if I find a gun lying around? How can I avoid being drawn into a gang when I could get beat up for not having friends who will protect me? Can I trust the police?

"The conversations these kids were having today — now they're thinking about the consequences of gang membership," Harvey said afterward. "It's the number-one issue in our cities — it's the number-one issue."

The program started by the attorney general's office, Project Vision, eventually will be extended to all 21 counties in the state, though it is beginning with a steady state.





# Making New Jersey Highways Safer: A Matter of Enforcement, Prevention and Engineering

**P**rimarily through the work of its Division of Highway Traffic Safety — and through the joint initiatives the Division undertook with other agencies — the Attorney General's Office continued in 2005 to make important progress in its never-ending mission to reduce the number of roadway crashes, and to reduce the fatalities, injuries and property damage that can result. As it was in 2004, the three-point bedrock of the Attorney General's strategy continued to be education, enforcement and engineering.

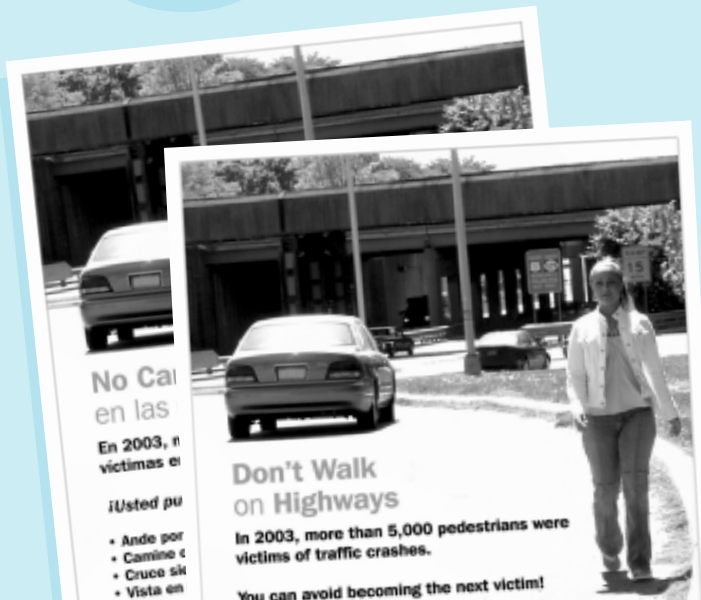


## 101 Days of Summer

On May 19, 2005, the Boardwalk in Seaside Heights, Monmouth County, served as the site for the Attorney General's "101 DAYS OF SUMMER" kickoff event. Attended by hundreds of members of the State's law enforcement community, along with representatives of the Attorney General's office, Division of Highway Traffic Safety Director Roberto Rodriguez and Tom Louizou, Eastern Regional Administrator for the National Highway Traffic Safety Administration (NHTSA), the event set the stage for a pair of major initiatives to promote traffic safety during the long summer season — "Click It or Ticket" and "You Drink and Drive, You Lose."

*This pedestrian safety ad is one example of many messages that have been produced in both English and Spanish.*

*Below is a billboard from our "Click It or Ticket" campaign which were seen throughout NJ.*



## "Click It or Ticket"

The "Click It or Ticket" seat belt inspection campaign ran from May 23, 2005 to June 5, 2005 and was preceded by a major public awareness campaign (advertising, press events) leading up to strict enforcement of New Jersey's primary seat belt law. Seat belt compliance prior to the event was at approximately 82%, which was determined by New Jersey Institute of Technology surveys. Throughout the state, 434 police agencies participated in the "Click It or Ticket" seat belt initiative, including 240 that had received Division grants for the purpose and 194 more who were doing it via existing resources. By the end of the two-week campaign, authorities had issued 65,000 seat belt summonses. A post-campaign seat belt usage survey revealed that public compliance had risen four points, to 86%. The 86% compliance figure was among the highest seat belt usage figures in the nation. The 2005 mobilization established a benchmark for traffic safety in the Garden State, and provided law enforcement at every level the pride and impetus to maintain a heightened level of seat belt enforcement awareness throughout the year. As the year ended, conspicuous "Click It or Ticket" message boards could be spotted along major New Jersey Highways — for example, the Atlantic City Expressway — reminding motorists to use their seatbelts.

## "You Drink and Drive, You Lose"

The time frame for this two-week, "zero tolerance" crackdown on Driving While Intoxicated was August 19, 2005 to September 5, 2005. The effort involved strict law enforcement vigilance in the service of identifying, and removing from the road, those who were driving drunk during the last two weeks of the summer tourist season including the Labor Day holiday weekend.

Two press conferences were held to launch the campaign, including one held in Times Square in New York City on August 22, 2005. That event featured officials and members of law enforcement from New Jersey, New York and Connecticut (the Tri-State Traffic Safety Partners). Among those on hand were NHTSA Administrator Dr. Jeffrey W. Runge, Mothers Against Drunk Driving National President Glynn Birch and Division Director Rodriguez.

The second press conference was conducted on August 25, 2005 in Pennsauken, and featured Attorney General Harvey, Director Rodriguez, and other law enforcement representatives from



the State Police, the New Jersey Association of Chiefs of Police, local police and a representative from AAA's Mid-Atlantic Region.

A total of 382 police agencies throughout the State participated in the crackdown, compared to 102 in 2004. One hundred police agencies received "You Drink and Drive, You Lose" enforcement grants through available Division funding, while the balance participated without grant funding. Altogether, participation represented more than 80% of police agencies in New Jersey. A total of 1,583 DWI arrests were made during the two-week crackdown period compared to 316 during the same time period in the previous year. In all, 50,665 summonses were issued for DWI, speeding, lack of seat belt usage and other violations. The summer 2005 mobilization represented the most comprehensive and successful "You Drink and Drive, You Lose" effort ever undertaken in New Jersey.

## Grants Provided to Anti-Underage-Drinking Initiatives

Because it related directly to safety on New Jersey's roadways, the Division of Highway Traffic Safety continued to play an integral role in combating underage drinking in 2005. For example, the Division provided grants that enabled the Cape May, Atlantic, and Monmouth County Prosecutors' Offices to work with agents of the Attorney General's Division of Alcoholic Beverage Control and local police during the summer months on a collective, undercover effort to identify underage drinkers and those who served them in bars and restaurants throughout the respective counties. Cape May County received \$45,000 from the Division of Highway Traffic Safety for the effort, while Atlantic and Monmouth County received \$25,000 each.

## Child Passenger Safety

Recognizing that motor vehicle crashes are the number one cause of death for small children over the age of six months in the United States — and that child car safety seats are engineered to provide reliable protections for such young passengers — the Attorney General's Office continued in 2005 to make proper use of child car safety seats a priority. Specifically, the Attorney General made Child Passenger Safety training an important component of the state's traffic-safety-related public outreach efforts. Consistent with this philosophy, the first Child Passenger Safety class for children with special needs was held in Atlantic County in 2005. During the two-day training program, 23 persons were certified in the proper installation and use of child car seats. The Division of Highway Traffic Safety also established three permanent child seat inspection

*The Division of Highway Traffic Safety took it's message of responsible driving, pedestrian safety and proper seat belt usage on the road to public schools throughout the State.*

locations: New Jersey State Police headquarters on Route 1 south in Princeton, the Cape May County Airport, and Rutgers University/Middlesex County Prosecutor's Office.

In addition, the Division of Highway Traffic Safety continued to work in 2005 with the New Jersey Department of Community Affairs' Center for Hispanic Policy, Research and Development on "Partnering for Traffic Safety" — a public awareness initiative designed to increase proper child safety seat usage within Hispanic communities. Through the program, the Center offered sub-grants to nine community-based organizations that serve Hispanic populations. Leaders from these community-based entities were trained in child passenger safety, and in turn delivered information materials to the populations that they serve.

## Police Leadership Conference

Held at the Sheraton Hotel in East Rutherford from February 28, 2005 through March 2, 2005, the Police Leadership Conference included participation by nearly 300 command-level senior law enforcement officials from New Jersey, New York, Puerto Rico and the Virgin Islands, as well as the National Highway Traffic Safety Administration. Convened under the working title "Traffic Enforcement IS Law Enforcement," the event's central theme was the changing approach to traffic safety enforcement required in a post-September-11 world. As Attorney General Harvey noted, "There are many examples of major crimes being prevented or solved by vigilant police officers engaged in traffic enforcement." Some of the conference workshop topics included: Trucks and Terrorism, Impaired Driving Enforcement, DWI Courts, Fraudulent Documents, "Click It or Ticket" and "You Drink and Drive, You Lose." The conference not only helped spark enthusiasm and created momentum for the traffic safety enforcement effort, it brought together hundreds of highway traffic safety professionals for a candid exchange of ideas and concepts.



Roberto Rodriguez  
Director

## Division of Highway Traffic Safety

The New Jersey Division of Highway Traffic Safety was established under the National Highway Safety Act of 1996. The Division's primary mission is to promote highway traffic safety through prevention, awareness and enforcement efforts. The Division procures and administers federal highway traffic safety grant funds, and coordinates the traffic-safety-related actions of State and local agencies. On an annual basis, the Division also develops a comprehensive, statewide highway traffic safety plan designed to protect motorists and pedestrians along the state's 33,000 miles of roads. For additional information on its mission, accomplishments and initiatives, visit the Division of Highway Traffic Safety Web site below.

- Director/Chairman, Roberto Rodriguez, Governor's Representative
- Deputy Director, Gary Poedubicky

[www.NJSafeRoads.com](http://www.NJSafeRoads.com)





# Juvenile Justice in 2005: Reshaping Troubled Lives, Ensuring Public Safety

In terms of improving troubled young lives and forging a hopeful new direction for juvenile offenders in State custody, the collaborative efforts of the Attorney General's Office and the Juvenile Justice Commission (JJC) paid important dividends in 2005.

## AG Issues Directive Mandating Stationhouse Adjustments

On December 7, 2005, Attorney General Harvey announced a directive mandating that all police departments in New Jersey are to use "stationhouse adjustment" techniques — an alternative approach to resolving matters involving juveniles who are caught engaging in minor delinquent activity.

A stationhouse adjustment requires a police officer who is handling a minor juvenile delinquency offense to meet with the juvenile's parent, guardian, or care giver — and the victim, if willing — to discuss the offense.

An officer conducting a stationhouse adjustment may refer a juvenile for needed services and, if property has been stolen or damaged, require the juvenile to make restitution in some form. Typically, the police officer will seek assurances that the juvenile will avoid committing future offenses.

"The stationhouse adjustment process allows police officers to resolve minor disputes without the need to file a complaint with the court," said Attorney General Harvey. "The goal is to effectively supervise our young people so that they make better decisions to avoid criminal offenses. We also expect this process to give victims of minor offenses a quick remedy. This directive culminates more than two years of study, research and collaboration among affected agencies."

In May 2004, Attorney General Harvey appointed a Stationhouse Adjustment Working Group to report on the State's use of stationhouse adjustment policies and procedures, and to make recommendations to ensure equal treatment of juveniles in every jurisdiction. The Working

Group was established in response to evidence of inconsistent use of stationhouse adjustment practices found by a statewide Juvenile Disparity Inquiry (conducted by the Attorney General's Office, the Judiciary, the Juvenile Justice Commission and local County Youth Services Commissions).

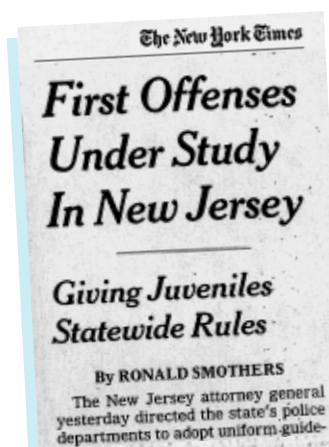
Based on the Juvenile Disparity Inquiry, it appeared that stationhouse adjustment practices were virtually non-existent in some towns, and used regularly in other jurisdictions. The result was that, in some towns, a complaint was being filed every time a juvenile was found committing a minor offense, while in other towns, first-time juvenile offenders caught committing the same type of offense were being diverted, and avoiding court involvement. According to Attorney General Harvey, stationhouse adjustments are rooted in a long-standing ethos that encourages law enforcement agencies to divert from formal court proceedings those juveniles who are involved in minor delinquent activity. These diversions enable the best possible use of limited law enforcement and judicial resources, and give unruly youths an opportunity to understand the seriousness of their behavior, with the hope that they will not repeat it. In his directive, Attorney General Harvey put forth Stationhouse Adjustment Guidelines for all municipal and other law

enforcement agencies having patrol jurisdiction in New Jersey. Training opportunities regarding the guidelines, as well as the use of effective stationhouse adjustment techniques, will be provided by experienced prosecutors and juvenile officers, and will be coordinated through the Division of Criminal Justice.

## Focus on Detention Alternatives, Disproportionate Minority Confinement

Throughout 2005, the Attorney General's Office and the JJC continued to devote time, energy and resources to the Juvenile Detention Alternatives Initiative (JDAI). The JDAI is a national initiative that encourages juvenile justice agencies to identify — and employ — alternatives to the secure detention of young offenders while maintaining public safety and juvenile court appearance rates. The JJC's work in this regard was made possible by a \$200,000 grant from the nationally-recognized Annie E. Casey Foundation of Baltimore. To be certain, it is a complex and multi-faceted task to find suitable alternatives to secure detention while also maintaining public safety. It requires juvenile justice agencies to collect and analyze comprehensive data, and to be thorough — as well as unblinkingly objective — in analyzing their existing protocols, implementing new strategies, and measuring outcomes. A major focus of the JJC's work in 2005 focused on

*Juveniles in JJC Custody work daily to develop teamwork (immediate right), keep pace with their academic studies and learn job skills through programs like the culinary training at far right.*



## 'Stationhouse Adjustment' To Be Used Statewide for Minor Juvenile Offenses

By Mary P. Gallagher

Youths who commit minor offenses will get the same chance to avoid arrest and a criminal record no matter where they live in New Jersey, under a new mandate from the attorney general.

The Dec. 7 directive requires police departments to use a process known as a

stationhouse adjustment. The victim must also agree to the adjustment over the telephone or by attending the meeting and signing the form. A victim who objects can force the case to court.

Stationhouse adjustment has several advantages, law enforcement officials say.

For one, it keeps youths out of the system and avoids the stigma of a

prosecutors should handle juvenile matters. It encouraged stationhouse adjustments as "an appropriate law enforcement response to non-serious juvenile activity that does not warrant either the taking of a juvenile into custody or the filing of a complaint alleging delinquency."

It also approved of "curbside warnings," a community policing method where police tell the youths to stop the

at least one officer designated to handle juvenile matters in 343 towns.

The report did not identify which towns use stationhouse adjustment but some official town Web sites, such as those for Verona, Holmdel, West Orange and Glen Rock, mention its availability.

There was little consistency in how regularly stationhouse adjustment was used in a given department, what procedures were used or the type of records



the issue of disproportionate minority confinement. In 2005, five pilot counties — Atlantic, Camden, Essex, Hudson and Monmouth — continued to work with the JJC on addressing this priority issue. In addition, a state-level JDAI Steering Committee was established in 2005. Among other things, the State Steering Committee worked on development and refinement of a “risk-screening tool” to be applied when a juvenile is being processed at intake. The main function of the risk-screening tool is to help ensure appropriate juvenile detention placement decisions, and to avoid placements that may be inappropriate, or harmful, to either the juvenile in question or others. In 2005, the Steering Committee’s work resulted in 151 fewer youth being placed in secure detention each day, as well as increased accountability and consistency within the statewide juvenile justice system. The JJC’s Office of Local Programs and Services continues to oversee the effort.

## In-House Medical, Mental Health Services Launched

On January 1, 2005, the JJC began providing “in-house” medical services for approximately 650 young people housed in its secure facilities. In addition, early 2005 marked the launch of a partnership with the University of Medicine and Dentistry of New Jersey (UMDNJ) to provide young offenders in JJC custody with mental health services. The changes were part of an ongoing effort to streamline and enhance the delivery of health care services to young people throughout the JJC system.

In the past, the medical needs of young people in JJC custody were covered under a contract between the Department of Corrections and a medical services provider. With the medical services contract set to expire, the JJC took the opportunity to rethink its approach to providing health services.

The core philosophy behind the change was that JJC could better serve its goal of addressing all the needs a young person may have — physical, emotional and behavioral — by handling medical services in-house. The change provided an opportunity to custom-tailor JJC medical services so as to be cost effective, while still including the preventive health care and educational components needed for an adolescent population.

“Adolescence is a developmental stage and learning how to care for oneself is part of it,” said JJC Executive Director Howard Beyer.

“Young people must receive quality health care treatment as their needs require, but they also must be taught about what is medically important if we are to expect them to return to society and live productive lives.”

As part of its new approach to medical services, the JJC appointed a new Health Care Administrator, Harold Brown, of Atco, Camden County. Brown holds an MBA in Health Care Administration and Finance from Rutgers University. Most recently he was employed by the Greenbriar Healthcare Center as Assistant Administrator, and served as chair of its Infection Control, Quality Improvement and Safety Committee.

The JJC also hired approximately 35 new physicians, nurses and support staff in 2005 to ensure that young people in its care receive appropriate and timely medical attention. JJC medical staff are assigned to the Commission’s five secure care facilities including: New Jersey Training School in Monroe Township, Middlesex County, the Life Skills and Leadership Academy located in Tabernacle, in Burlington County, and the Juvenile Medium Secure Facility, Juvenile Reception and Assessment Center, and the Female Secure Care and Intake Facility located on the JJC’s campus in Bordentown, Burlington County.

Meanwhile, a partnership between the JJC and UMDNJ’s University Behavioral HealthCare meant that in-house mental health services were offered at JJC beginning in January 2005.



Howard Beyer  
Director

## Juvenile Justice Commission

The New Jersey Juvenile Justice Commission (JJJC) is the state agency responsible for providing juvenile rehabilitation and parole services. Established in 1995, the JJJC serves to coordinate services and policies affecting delinquent youth throughout the state. The JJJC operates a total of 26 facilities including five secure facilities, 10 residential community homes, six day programs, three substance abuse programs and two special needs facilities. From delinquency prevention and juvenile facility operations to vocational and academic training for young offenders and parole services, the JJJC is a partner in the entire juvenile justice system.

- Executive Director, Howard L. Beyer
- Deputy Executive Director, Thomas Flanagan
- Director, Rosanne Fairbanks - Office of Administration
- Director, John Amberg - Office of Education
- Director, Brigitte Mitchell-Morton - Office of Secure Care
- Director, Robert Montalbano - Office of Community Programs
- Director, William Curry - Office of Juvenile Parole & Transitional Services
- Lisa Macaluso, Director - Office of Local Programs & Services
- Director, Winson Crespo - Office of Investigations
- Director, Barbara Chayt - Office of Specialized and Interagency Services

[www.NJJJC.org](http://www.NJJJC.org)





The implementation of in-house mental health services was vital, because nearly 67% of juveniles committed to the JJC are diagnosed with at least one mental health problem including anxiety disorder, post traumatic stress syndrome, depression and substance abuse dependency.

The availability of in-house services is expected to help ensure that juvenile offenders dealing with mental illness will receive the treatment most appropriate to ensuring their safety — and the safety of others — in a correctional setting, and pursuing a positive life direction upon returning to the community. In order to continue providing a full spectrum of health care services, the JJC also contracted in 2005 with the St. Francis Medical Center in Trenton to provide hospitalization for young people whose illnesses or injuries require it.

In a related development, the JJC developed a contract with UMDNJ in 2005 to provide mental-health-related training for custody staff working in JJC secure care facilities and county detention centers. Entitled “Creating Safe and Respectful Environments,” the staff training centers on increasing sensitivity to young people with special needs, employing positive approaches to problem solving, and using “de-escalating techniques” to defuse potentially volatile situations.

## Parole Supervision: Increasing Vigilance, Enhancing Training

Tending to the needs and issues presented by young people in its secure facilities and group residential homes was only one aspect of the JJC’s work in 2005. Elsewhere, the JJC continued working through various parole supervision efforts to ensure that, upon a young person’s return to the community, he or she is effectively supervised, and that the community is protected.

The JJC established its first-ever Parole Response Unit (PRU) in 2005. The PRU is charged with the responsibility of actively pursuing and apprehending juvenile parolees who have not

maintained their reporting schedules. Officers assigned to the PRU receive extensive training both prior to assuming their duties, and while “in service.” During the first six months of its operation, the PRU’s primary mission was to establish partnerships with law enforcement agencies — particularly County Prosecutors’ Offices and local police departments — and conduct fugitive investigations in order to apprehend missing juvenile parolees.

Since June 1, 2005, more than 90 fugitive investigations were initiated. Sixty-five fugitive juvenile parolees were caught and returned, either to JJC custody or to state Superior Court. There were no major problems or public safety incidents during these fugitive apprehension efforts. The Parole Response Unit also participated in various community service programs in 2005.

## Equine Program: Hands-on Experience, Animal Husbandry Credits

After almost a year of preparation, two horses — one male and one female — for the JJC’s new Equine Program were delivered to the New Jersey Training School in November 2005. The Equine Program is a joint effort between the JJC and the Standardbred Retirement Foundation, with assistance provided through a contract with Rutgers University’s Cook College.

The horses, an 11-year-old gelding named Franco Nomad, and a seven-year-old mare named Doctor Jo Plumstead, have been donated by the Standardbred Retirement Foundation, which retains actual ownership of the horses. The Standardbred Retirement Foundation (SRF) was created in 1989 to ensure the humane treatment of Standardbred Horses, and to provide the adoption services necessary to ensure the horses receive a caring and loving home.

The goal of the JJC’s Equine Program is to prepare students to become grooms, an entry

point to a career in the standardbred industry. The education program covers various equine and industry-related areas, including: how to take care of a horse, anatomy of a horse, barn management, proper grooming techniques, and appropriate equine equipment and supplies. JJC students receive vocational credits in animal husbandry for their participation.

The Standard Retirement Foundation is also assisting with supplies & equipment for the JJC’s program, and will also provide veterinary services as needed. Rutgers provides staff coverage on weekends and holidays, as well as program supplies and guest speakers from the equine industry. The JJC has hired an Equine Instructor with more than 20 years of experience in the equine industry, including racing and training standardbreds, and maintaining stables.

## Two JJC Staffers Receive National Honor for Gang Prevention Efforts

Two members of the JJC’s Gang Management Unit received the National Gang Crime Research Center’s (NGCRC) 2005 Thrasher Award. The award was presented to staffers Dominick Cicala and Allen Mitchell at the opening session of the NGCRC’s annual conference and award ceremony in Chicago in August.

NGCRC is a non-profit organization that researches and disseminates information on gangs and gang members, and provides training and consulting services. The Thrasher Award was created in 1992 to recognize outstanding achievement in the effort to reduce gang activity. The award is named in honor of Frederick Milton Thrasher, the author of a 1927 study of Chicago gangs that included the first social scientific analysis of gangs.

Recipients Cicala and Mitchell were instrumental in creating the JJC’s comprehensive gang awareness program. The program addresses youth gang activity at all levels. With funding from the New Jersey Department of Education, the JJC developed a cutting-edge education curriculum, entitled Phoenix, which corresponds to the State’s Core Curriculum Standards. The workbook-based course can be tailored for youth in secure detention and JJC residential and day programs, as well as county-operated detention centers and community-based programs. The most important goal of the curriculum is developing skills that enable juveniles to understand how to react to situations that pose a risk of gang involvement, and to avoid future gang activity by thinking through their actions and responses to those situations.

*Skills training programs such as cosmetology and horticulture are an important part of preparing juveniles to return to their home communities.*



# Promoting Voter Participation; Ensuring the Integrity of Elections

In 2005 — a year in which the nation observed the 40th anniversary of the landmark federal Voting Rights Act — the Attorney General's Office worked on many fronts to emphasize the importance of every citizen's voting voice, and to encourage as many eligible New Jerseyans as possible to vote by making it more convenient. One example: so-called "no excuse" absentee ballot legislation took effect in 2005. As a result, the November General Election became the first General Election in State history in which voters who did not meet a specific "absentee" criteria — illness, business out of state, employment-related schedule conflicts, etc. — could vote by absentee ballot simply because they preferred it to visiting a polling site.

At the same time, through investigative activity, cooperative effort with local election officials and public-awareness-related outreach, the Attorney General's Office continued to strengthen the administration of elections, and to work to preserve the integrity of the electoral process.

Consistent with its mandate under the federal Help American Vote Act (HAVA) of 2002, the Attorney General's Office worked with certain counties — those whose voting equipment was outdated — to acquire millions of dollars

worth of new electronic voting machines through federal HAVA funding. In addition, the office worked with each of New Jersey's 21 counties as progress continued — on schedule — to create and implement a centralized, statewide voter registration data base by early 2006 as required by HAVA.

## Emphasizing Involvement in Democracy, Self-Empowerment

In addition to outreach efforts focused on helping young people avoid incarceration, injury, death and other consequences, the Attorney General's Office focused much of its energy in 2005 on empowering young people to make a difference in their own lives by getting involved in the democratic process.

As part of this effort, Attorney General Harvey and the Attorney General's Help America Vote Act (HAVA) Implementation Team visited a number of high schools throughout New Jersey to stress the importance of voting and to generate awareness of how the voting process works.

*Below is an example of the latest electronic voting machines now in use throughout the State.*



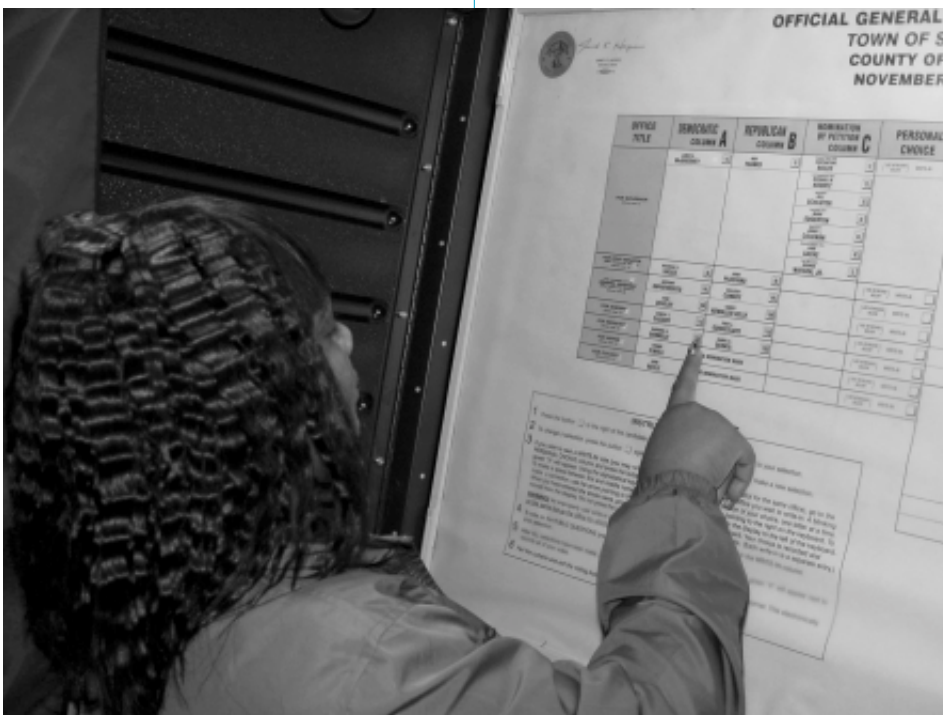
Markus Green  
OAG Chief of Staff

## HAVA Implementation Team

Staffed by attorneys and other professionals with expertise in election systems and procedures, the HAVA Implementation Team within the Attorney General's Office has primary responsibility for ensuring that New Jersey achieves — and maintains — full compliance with the mandates of the federal Help America Vote Act (HAVA) of 2002. The HAVA Implementation Team's mission is to spread awareness about the importance of voting, to disseminate useful information to New Jerseyans concerning how and where to register to vote, and to ensure that the voting process in New Jersey is as inclusive and user-friendly as possible. Among other things, HAVA requires that all states implement by January 1, 2006 a centralized and interactive statewide voter registration list that will be defined, maintained and administered at the state level.

The HAVA Implementation Team is spearheading that effort. As of this writing, voter registration information in New Jersey is maintained at the county level. The Attorney General's Office is currently working with a private contractor and Superintendents of Elections, Boards of Elections, County Clerks, Municipal Clerks and other agencies that share data to complete implementation of the Statewide Voter Registration System. The HAVA Implementation Team has also worked with several counties on their acquisition of new electronic voting machines to replace outdated machines — a HAVA requirement. In addition, the HAVA Team continues to conduct public awareness initiatives under the banner of the Attorney General's "Be Powerful, Be Heard" initiative.

[www.NJElections.org](http://www.NJElections.org)



On April 5, 2005, Attorney General Harvey was joined by Hip-hop recording artists, state and local officials, school administrators, educators, radio personalities and professional sports figures at Perth Amboy High School to kick off the nation's largest youth vote initiative — "Be Powerful, Be Heard" — with a pep rally. More than 1,000 Perth Amboy High School students took part in the event. They were joined, via Internet Web "streaming," by thousands of other public school and college students around the state. The event served as a launch for the "Be Powerful, Be heard" get-out-the-vote campaign, which culminated with Hip-Hop Summit II in Trenton on September 23, 2005. Perth Amboy was chosen as the site for the kickoff in part because of its historical significance to voting. The first African-American to vote in the United States, following passage of the 15th Amendment in 1870, was Thomas Mundy Peterson, who resided and cast that first vote in Perth Amboy.

Other HAVA-related events that brought the Attorney General and representatives of the HAVA team into New Jersey schools included

the recording of a "Be Powerful, Be Heard" Public Service Announcement (PSA) at East Brunswick Vocational Technical School in Middlesex County, and an event at Barringer High School in Newark in which Attorney General Harvey was joined by Latin music sensation Frankie Negrón.

At the East Brunswick vocational school event, the Attorney General was joined by James Prendergrast, a student at the school who took top honors in the Attorney General's "Be Powerful, Be Heard" spoken word poetry contest. At the Barringer High School event in Newark, Latino singer-songwriter Negrón helped the Attorney General host a Halloween-day rally to encourage Latino students to vote in the November General Election. A Newark native and graduate of the city's Arts High School, Frankie Negrón has received numerous Platinum record awards, and his music dominates the airwaves of many Latino radio stations. In addition to joining the Attorney General at Barringer High School, Negrón volunteered his time to tape a pro-voting PSA for the "Be Powerful, Be Heard" voting awareness campaign.

## Motivating Voters Through "Be Powerful, Be Heard" Campaign

Once again in 2005, the Attorney General's Office devoted a significant amount of staff resources and HAVA funding to the task of reminding eligible New Jerseyans of every age, race and ethnicity of the importance of voting.

The simple but potent message was to "Be Powerful, Be Heard" by voting and, through a variety of strategies, that message was carried to every corner of the state.

One of the most important "Be Powerful, Be Heard" outreach events of 2005 was Hip-Hop Summit II, held at the Sovereign Bank Arena in Trenton on September 23. Approximately 5,500 high school and college students from throughout New Jersey attended Hip Hop Summit II. The event brought together voting age and soon-to-be-voting-age young people with representatives of the Attorney General's Office and popular hip-hop recording artists and other celebrities for a candid presentation about democracy, governance, and the significance of every individual's voting voice.

Paid for with federal HAVA funds, Hip-Hop



*Above, nationally syndicated radio personality, Wendy Williams reads for the taping of a pro-voting PSA.*

*Above right, holding his award (next to AG Harvey) is James Prendergrast, winner of the Spoken Word Competition. The finals were held September 30, 2005 at the Hip-Hop Summit II, Sovereign Bank Arena, Trenton at right.*





Summit II cost less than \$100,000 overall to stage — including rental of the arena, food for the thousands of student attendees, bus transportation for students, and live Internet video streaming of the event. (Participating celebrities donated their time.) That translated to an average cost-per-student of between \$17 and \$18, a worthy investment in New Jersey's future in light of Hip-Hop Summit II's emphasis on self-determination, affecting positive change through positive activism, and the value of being involved in — instead of distanced from — the process.

Attorney General Harvey noted that, by law, HAVA funding is to be used by states not only to acquire new election-related equipment and create a statewide voter data base, but also to promote public awareness and increased voter participation.

"There is clearly an ongoing need to generate awareness of, and enthusiasm for, the act of voting and remaining a vital participant in our democracy — especially among young people," he said. "Events like Hip-Hop Summit II are an important part of that process. It would be shortsighted and foolish of us to invest millions of dollars in what is essentially the infrastructure of democracy — state-of-the-art electronic voting equipment, new data management systems, etc., — and then ignore the human component."

"Through events like Hip-Hop Summit II, and the 2004 Hip Hop Summit held at the Trenton War Memorial, thousands of young adults are becoming engaged in a discussion about government, and the importance of voting — perhaps for the first time in their lives," added the Attorney General. "In addition, they have been given important food for thought concerning such critical issues as self-expression, individual responsibility in a free society, and the ability of one person to make a difference by channeling his or her energy in a positive way."

Among the celebrities who attended Hip Hop Summit II were: Doug E. Fresh, Jim Jones, Freeway, Jha Jha of the Diplomats, The Game, Jaheim, Miss New Jersey Julie Robenhymer,

*The print ad below features Frankie Negron who worked with the Attorney General's Office to increase voter awareness in New Jersey's Hispanic population.*



America's Top Model Tocarra Jones and Def Jam Poets Lemon and Black Ice. The celebrities, along with 15 high school and college finalists from a "Be Powerful, Be Heard" spoken word competition held earlier in the year, participated in a panel discussion about voting, democracy and governance. Also on hand for the discussion were Attorney General Harvey, Def Jam Records founder Simmons, and Dr. Benjamin Chavis of the Hip-Hop Summit Action Network.

Throughout 2005, the Attorney General's Office continued to spread awareness of the importance of voting through many other initiatives as well.

The HAVA initiatives included Public Service Announcements (PSAs) by celebrity volunteers, as well as sporting and community events, and an informational Web site at [www.NJElections.org](http://www.NJElections.org). Including get-out-the-vote spots recorded in 2004, the PSAs that could be viewed on the Web site in 2005 featured individual messages from such celebrities as Queen Latifah, actor William "Billy" Baldwin, the Reverend Run (formerly of Run DMC), Fat Joe, Doug E. Fresh, MC Lyte, radio personality Angie Martinez and others. Four individual PSA's from 2004, featuring actors Michael Douglas and Jason Alexander,

Queen Latifah and former New Jersey Nets basketball star Kenny Anderson, were nominated in 2005 to receive an Emmy Award.

In addition to the Hip-Hop Summit, the Attorney General's Office also sponsored public events in 2005 designed to encourage college students, senior citizens and members of the military to vote. The Attorney General also hosted public forums on voter fraud and the issue of voting rights for ex-felons. On the latter issue, the Attorney General noted, misinformation often circulates that ex-felons can never again vote in New Jersey. In fact, the law is that persons stripped of their right to vote after a felony conviction can re-register and vote once they have successfully completed their jail terms or terms of probation or parole.

Other highlights from 2005 included:

### Training

❖ The Attorney General's Office, working in conjunction with Rutgers University and the New Jersey Association of Election Officials (NJAEIO), provided the first-ever county election officials training program. The inaugural New Jersey County Election Officials

## Help America Vote Act Celebrity Public Service Announcements

- 1 Frankie Negron
- 2 Russell Simmons
- 3 Jason Alexander



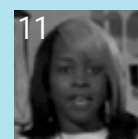
- 4 Reverend Run
- 5 Michael Douglas
- 6 Queen Latifah



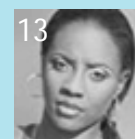
- 7 Jimmy Fallon
- 8 Kenny Anderson
- 9 Angie Martinez



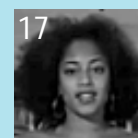
- 10 Billy Baldwin
- 11 Remy Martin
- 12 Fat Joe



- 13 MC Lyte
- 14 Vin-Roc
- 15 Doug E. Fresh



- 16 DMC
- 17 Amanda Diva
- 18 T.I.



Training Program took place in January 2005 at the Center for Government Services at Rutgers University. It trained county election officials in such basic areas as voter registration, write-in candidates, legal notices, absentee and paper ballots, polling places, challengers, the training of poll workers, Election Day procedures, electoral integrity and the Open Public Records Act (OPRA). Funding for the course was provided under HAVA. Additional training sessions — one on voting devices, the other on advanced elections administration issues — were held later in 2005.

### Education

❖ In February 2005, the Division of Elections hosted the State's Third Annual Polling Place Accessibility Workshop. Consistent with priorities set by Attorney General Harvey, the Division and HAVA, the workshop was held to provide local and county elections officials with information and assistance needed to achieve 100 percent polling place accessibility for the disabled. More than 200 local and county election officials signed up to attend the session, which featured experts from government, academia and the disabled advocacy community. So enthusiastic was the enrollment response that morning and afternoon sessions had to be scheduled to ensure a spot for all who wished to attend.

### National Award

❖ By virtue of its stellar performance in the 2004 National Student/Parent Mock Election, New Jersey was named in 2005 to receive the National Association of State Boards of Education Award for Outstanding Leadership. Attorney General Harvey, the State's Chief Election Official, said New Jersey was

cited by the Association for playing a "pivotal role" in the success of the 2004 Mock Election. As National Headquarters for the event, the New Jersey Division of Elections collected and processed Mock Election votes from all 50 states, Washington, D.C., and participating American schools around the world. Altogether, more than 4 million votes were cast. The National Student/Parent Mock Election is a non-partisan, non-profit event in which 60 national civic, educational and other organizations participate including the National Association of State Boards of Education, the U.S. Chamber of Commerce and the League of Women Voters. The Mock Election is widely respected as a means of generating interest among non-voting-age students in democracy and voting.

## Attorney General Spearheads Statewide Voter Data Review

In an unrelated action to ensure the integrity of elections, the Attorney General asked each county in 2005 to review and update its voter registration rolls after concerns were aired in the weeks prior to the General Election that voter data bases were out of date in some counties, and that the names of persons who had died or moved out of state had in many cases not been purged. The Division of Law within the Attorney General's Office provided counsel and staff assistance for the massive effort. Ultimately, the task became even larger after the counties were directed by a Superior Court judge to match up every absentee and provisional ballot cast in the November General Election with data on deceased per-

sons provided by the state Bureau of Vital Statistics. Again, the Division of Law played a key role in the process, providing advice to the counties and, where necessary, seeking court-ordered extensions allowing local election officials time to complete the arduous task of scrutinizing every absentee and provisional ballot before counting it.

## Ensuring Voting Integrity: Public Official Charged with Ballot Tampering

On the election integrity front, the Office of Government Integrity (OGI) within the Attorney General's Office obtained an indictment in November 2005 accusing a public official in Atlantic City with absentee ballot tampering. The indictment charged Atlantic City Councilman Wayne Small, 31, with filing 10 bogus absentee ballot applications with the Atlantic County Clerk's Office while representing himself as authorized messenger for the 10 "applicants." Registered voters in New Jersey can obtain an absentee ballot in person, or can apply by mail and, if they choose, designate an authorized messenger to pick up the ballot for them.

(If a registered voter applies for and receives an absentee ballot, a mark is placed next to his or her name in the polling book to ensure that, on Election Day, no one votes at an actual polling site using that voter's same identity.) Small was charged in the indictment with 10 counts of tampering with public records, a third-degree offense, and one count of hindering or preventing a vote, a fourth-degree offense. If convicted on all charges, Small could face more than 50 years in prison and fines of up to \$160,000. Small could also forfeit his position on the City Council in Atlantic City, as well as his public employment with the Atlantic City school district. As of year's end, the Small matter was still pending.



## County to get new voting machines

■ The electronic machines should be available for voters in the June primary.

By THOMAS BARLAS  
Staff Writer, (609) 272-7201

Atlantic County will finally get something that election officials have sought for years: new voting machines.

County officials say 300 new electronic machines should be in place by the June primary, replacing 230 machines that are about two decades old and for which replacement parts are hard to find.

## A.C.'s Small indicted on vote charges

■ The councilman is accused of delivering messenger ballots when he was not the designated messenger during the June primary.

By DEREK HARPER  
Staff Writer, (609) 272-7203

ATLANTIC CITY — The late attorney general indicted Atlantic City councilman Mary Small on 11 voter-related charges Thursday.

Ten of the charges are third-degree crimes that stem from mail taking messenger ballots to the Atlantic County Superior

according to the indictment. The 11th charge alleges Small tried to keep a voter from casting a ballot in June's primary election.

If found guilty on all charges, Small would face as many as 51½ years in prison and \$160,000 in fines, according to a news release from the attorney general's office.

The release also said the courts do not typically impose prison terms for charges of this type.

Small declined comment on the advice of attorney Edwin Jacobson Jr.

The case was assigned to Atlantic County Superior



SMALL



# Ensuring the Integrity of NJ's Casino Industry; Setting a Worldwide Standard for Gaming Leadership

In 2005 the Attorney General's Office, through its Division of Gaming Enforcement, continued to ensure the integrity of New Jersey's casino gambling industry by blending vigilance, regulatory oversight and effective law enforcement activity.

At the same time, New Jersey continued to provide a standard of excellence — and leadership — for an ever-expanding international community of legalized gaming jurisdictions.

## Vigilance: Complaint Seeks to Revoke License of Company With Mob Ties

In its ongoing fight to keep legalized gaming in Atlantic City free from the taint of organized crime, the Attorney General's Division of Gaming Enforcement filed a complaint in 2005 seeking to revoke the casino service industry licenses of Interstate Industrial Corp. and Interstate Drywall, as well as the company's two owners, Frank and Peter DiTommaso.

In a three-count complaint filed with the New Jersey Casino Control Commission, the Division cited the DiTommasos' association with career offenders and career offender cartels, their lack of good character and their supplying of false

information to the State as reason to revoke Interstate's license to do business with the casinos.

The formal complaint was required because the Casino Control Commission, in 2004, issued Interstate and the DiTommasos licenses and qualifications to do casino work following an extended hearing. The Division has filed an appeal of that July 2004 decision by the Commission. However, as of this writing, no date has been set for argument before the Appellate Division of New Jersey Superior Court.

In its complaint seeking to ban Interstate and the DiTommasos, the Division of Gaming Enforcement noted that information was presented at the original Casino Control Commission hearing linking the two Interstate companies, as well as the DiTommasos, to organized crime.

In addition, the Division's complaint notes that it has developed further information that the DiTommaso brothers had ties to the DeCavalcante and Gambino organized crime families dating back to the 1980s. The complaint further alleges that the DiTommasos gave false information to Division investigators in an attempt to mislead them concerning the DiTommasos' relationship with former New York Police Commissioner Bernard Kerik.



Thomas Auriemma  
Director

## Division of Gaming Enforcement

The Division of Gaming Enforcement was established in 1977 under the Casino Control Act to ensure the integrity of casino gaming in New Jersey. Its mission is to protect the public interest by maintaining a legitimate and viable industry, free from the influences of organized crime, and ensuring the honesty, good character and integrity of casino owners, operators, employees and vendors. The Division performs its mission through enforcement of the Casino Control Act and related regulations, which were designed to ensure a strictly regulated and economically sound casino gaming industry. Oversight by the Division includes investigations, inspection and audit, as well as criminal and regulatory prosecution. Criminal cases identified by the Division of Gaming Enforcement are prosecuted by the Division of Criminal Justice.

- Director, Thomas N. Auriemma
- Deputy Director, Mitch Schwefel
- Gary Ehrlich, AAG
- George Rover, AAG
- Anthony Restuccia, Chief State Investigator

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## MGM/Macau Investigation

In 2005, the Division of Gaming Enforcement began an investigation into MGM Mirage's plans to develop a casino hotel in Macau, China. The investigation focuses on the relationship of Pansy Ho and her father, Stanley Ho. Pansy Ho is managing director of Shun Tak Holdings Limited, a leading Hong-Kong-based conglomerate operating four core businesses — shipping, property, hospitality and investments. Pansy Ho has been described by MGM Mirage as a partner in the MGM Grand Macau venture. Pansy Ho's father, Stanley Ho, is a wealthy Chinese businessman who, over the years, has been the subject of numerous public allegations suggesting that he has ties to Asian organized crime.

In June 2005, MGM Mirage began construction of a \$1 billion hotel-casino, known as the MGM Grand Macau. In addition to gaming space, the structure will include a hotel, restaurants, entertainment venues, a convention center, retail shops and spa facilities. The hotel-casino is expected to have approximately 600 hotel rooms and suites, as well as a casino featuring 1,000 slot machines and 300 gaming tables.

## Enforcement: DGE Joins Division of Criminal Justice to Indict Gaming Cheats

In January 2005, the Division of Gaming Enforcement joined with the Casino Prosecution Bureau in the Division of Criminal Justice to charge a former Borgata Casino Mini-Baccarat dealer with devising a "false shuffle" cheating scam that netted \$61,000 in illegal winnings for five players allegedly participating in the scheme.

A State Grand Jury indictment resulting from an extended — and complex — multi-agency investigation charged defendant Lu T. Tran, of Atlantic City, and five other individuals with multiple counts of criminal conspiracy, and multiple counts of swindling and cheating at casino games, related to activity that took place in 2003.

Defendant Tran was identified as a former casino games dealer at the Borgata. Another defendant, Tuan M. Ho of Atlantic City, was employed at the Trump Plaza Hotel and Casino at the time of his indictment.

If convicted on all charges, Tran, Ho and a third defendant, Tu Anh Ti Tran, of Atlantic City, face up to 20 years in State Prison and fines and penalties of up to \$60,000. Defendants Binh H. Pham, of Atlantic City, Hung Luu, of Phoenixville and Cuong Tu Ngo, of Philadelphia, face up to 10 years in state prison and fines/penalties of up to \$30,000.

The 2005 indictment alleges that Lu T. Tran, while employed as a casino dealer at the Borgata Hotel and Casino, engaged with players at a Mini-Baccarat table to cheat at the game, which resulted in the players obtaining more than \$61,105 in illegal winnings. (Mini-Baccarat is a casino game in which cards are dealt from an eight-deck shoe to two spots on the gaming table — "player" and "banker." Patrons bet on which spot will get a total closer

to nine.) Specifically, the indictment charges that on three separate dates in September 2003, Borgata security personnel notified State Police detectives assigned to the Division of Gaming Enforcement of suspicious activity involving Tran and his dealing activities at a Mini-Baccarat table. The indictment charges that, on those dates, Tran employed a "false shuffle" — a move whereby the entire quantity of cards in the eight-deck shoe are not properly reshuffled. As a result of the "false shuffle," it is alleged that defendants Ho, Ti Tran and Pham received more than \$35,000 in illegal winnings on Sept. 20-21, 2003. It is charged that on Sept. 26, 2003, defendants Ho, Ti Tran, Luu, and Ngo placed winning bets in excess of \$15,000, as a result of another "false shuffle" conducted by Tran.

The Division of Gaming Enforcement, frequently working in concert with the Division of Criminal Justice, continues to target fraud, casino-employee-devised cheating schemes and other illegal activities that impact economically on the casinos, and threaten the integrity of the legal gaming industry.

## Petitions Filed to Ban Individuals Via Casino Exclusion List

In early 2005, the Attorney General's Office and the Division of Gaming Enforcement announced that petitions had been filed with the Casino Control Commission to add two convicted slot machine cheats — Sean McAndrew, 64, of Long Beach, California and Eugene Bulgarino, 72, of Peoria, Arizona — to New Jersey's Casino Exclusion List. Being named to the list bars individuals from entering any Atlantic City casino hotel. There are currently 175 persons named to the exclusion list.

The petitions filed in 2005 sought to exclude McAndrew and Bulgarino, because they have been convicted in the past of swindling millions of dollars from various Las Vegas casinos. In November 1997, just prior to his arrest in connection with the theft of some \$6 million from Las Vegas casinos, McAndrew traveled to the South Jersey area with the goal of targeting a \$5 million slot jackpot at an Atlantic City casino. The jackpot was won legitimately before McAndrew had an opportunity to commit the theft.

In 1983, McAndrew pleaded guilty to a federal indictment in Nevada charging him, and other accomplices, with using a device to illegally manipulate slot machines and collect approximately \$250,000 in fraudulent jackpots at various Las Vegas casinos in the mid-1970s. McAndrew served eight years in prison and was released in 1991.

In 1998, McAndrew was convicted a second time for engaging in a slot cheating scam, this one between September 1996 and November 1997. As a result, he was sentenced to 90 months in federal prison. Bulgarino, who was listed in the 1980 Pennsylvania Crime Commission Report as an associate of the Bruno Organized Crime family in Philadelphia, pleaded guilty to being an accomplice to McAndrew's 1996-1997 cheating scam in Las Vegas, and was

sentenced to 46 months in federal prison.

Placement on the Exclusion List is based on proof that an individual's presence in a licensed casino would be against the interest of the State of New Jersey, or of licensed gaming. Exclusion may be based on organized crime membership or associations, or prior convictions for serious offenses. An individual has 30 days to request a hearing to contest an exclusion petition.

## Keeping Pace: Technical Service Bureau or "Slot Lab" Ensures Slot Integrity

As the increase in volume, complexity and sophistication of slot machines continues, the role of the Division of Gaming Enforcement's Technical Service Bureau — more commonly known as the Slot Lab — continues to expand.

Currently, more than 42,000 slot machines fill Atlantic City's dozen casinos. The Slot Lab's mandate is to test, evaluate and ensure the integrity of any electronic gaming equipment utilized by the casinos. To handle the job, there are 14 engineers, three statisticians and 16 gaming equipment specialists assigned to the Slot Lab.

In 2003, the slots voucher system was introduced with the opening of the Borgata Hotel Casino Spa. The Borgata announced that it would employ the newly-created system in all of its 3,640 machines. The system replaced the familiar "change cups" with a ticket voucher, revolutionizing the awarding of jackpots, and the transferring of credits. The voucher system is known as Ticket In-Ticket Out or TITO. At the time of its introduction, no regulations or minimum technical standards existed for review. This necessitated involvement by the Slot Lab in developing new compliance review requirements. Under TITO, slot patrons receive a ticket with which to play instead of coins. The ticket tracks a player's earnings and credits. It also allows for the transfer of a player's credits from machine to machine. Additionally, a patron can redeem his or her "payout" ticket at kiosks located throughout the casino. The transition to vouchers paved the way for a host of ancillary gaming products — automated jackpot payout, automated gaming voucher redemption machines, and a system of non-cashable electronic promotional credits — all of which had to be evaluated by the Slot Lab.

Within the past five years, a series of highly technical and sophisticated developments have been introduced into gaming, including electronic fund transfer systems and bill validation technology. Each new system has to be integrity-tested by the Slot Lab before being implemented.

The next challenge facing the Slot Lab is downloadable technology, by far the most sweeping change currently under consideration. This technology will revolutionize slot floors simply by deleting the existing software on a particular machine and installing new software from a central server on which approved programs will reside. The technology will also allow slot managers to change percentages, or to tailor games to an individual player's prefer-

ence. The new technology involves a host of security and regulatory issues that require resolution. Gaming Enforcement's Slot Lab engineers, and its Regulatory Enforcement Bureau, are working with the Casino Control Commission, and with manufacturers, to address the issues. It is anticipated that new downloadable technology will be in play in the Atlantic City casinos sometime in 2006.

## Providing a Standard of Excellence, Worldwide Leadership

Within the past 15 years, the legal gaming industry has exploded — not only throughout the United States, but worldwide. Today, more than 40 nations around the globe have legal gaming venues, with some countries having multiple gaming jurisdictions. Tanzania, Russia and Singapore have become the newest entries into the international gaming community, and the list of nations that are initiating legal gaming expands on an almost yearly basis.

This explosion in the popularity of legal gambling — and the industry's proliferation worldwide — has created a need for communication and cooperation among nations to address national and international concerns involving gaming-related issues. To that end, the International Association of Gaming Regulators (IAGR) has evolved into the clearing house for gaming regulators and a model to provide leadership. In September 2005, Division of Gaming Enforcement Director Thomas N. Auriemma presided over IAGR's international conference of gaming regulators in Vancouver, British Columbia. As IAGR's president, Director Auriemma welcomed more than 120 leading gaming regulators from around the world to debate and discuss critical issues common to all in the industry: internet gambling, compulsive gambling and downloadable technology.

Since legalized gaming's inception in Atlantic City in 1978, New Jersey regulators have built a solid reputation for maintaining the integrity of the casinos by keeping out organized crime and other undesirable elements. Put simply, the DGE is recognized as the premier casino regulatory agency in the world. In 2005, many gaming jurisdictions — both established and emerging — continued to look to the DGE for leadership and guidance. In addition many gaming venues, including tribal casinos, have modeled their casino laws, regulatory systems and practices after New Jersey.

Among other achievements, the Division of Gaming Enforcement was instrumental in drafting and implementing a universal personal history disclosure form — the "Multi-Jurisdictional History Disclosure Form" — which was accepted by the International Association of Gaming Regulators. The form significantly reduces the filing time of individual applicants for gaming-industry-related licenses and qualifications. The form is now used around the world.



# Regulation, Oversight of the Horse Racing Industry

## Major Settlement with Horsemen Paves way for Prestigious Breeder's Cup in 2005

In a development with major implications for New Jersey's horse racing industry, Attorney General Harvey and the New Jersey Racing Commission announced in 2005 that the Racing Commission had reached legal settlement with the New Jersey Thoroughbred Horseman's Association, paving the way for the 2007 Breeders' Cup championship races to be held at Monmouth Park.

In addition to clearing a path for New Jersey to host the prestigious Breeders' Cup competition, settlement of the Racing Commission's complaint against the THA was expected to strengthen the integrity of horse racing throughout New Jersey.

The goal of the Racing Commission in filing its original lawsuit against the THA was to ensure that funds earmarked for programs intended to benefit the horsemen and backstretch personnel were in fact used for those purposes. Under terms of the settlement agreement, funds subject to the Racing Commission's regulatory jurisdiction will be returned to the control of the Racing Commission. Those funds include 2.9 percent of all purses, including those supplemented by the New Jersey Sports and Exposition Authority, and the money in the Thoroughbred Horseman's Bookkeeper Interest account. In addition, as part of the settlement, the THA agreed to make by-law changes that formalize conflict-of-interest and anti-nepotism provisions for officers and board members of the THA. Also, THA agreed to an orderly budget process going forward, with its budgets subject to the regulatory requirement that 70 percent of funds subject to Racing Commission oversight will be used for programs to benefit the horsemen. The THA also agreed to elect a new governing Board, and committed to having a majority of that Board consist of new members.

The settlement agreement was approved by a New Jersey Superior Court Judge sitting in Monmouth County. The Breeders' Cup consists of eight thoroughbred races in one afternoon. The combined \$14 million purse attracts top horses and jockeys, and the Breeders' Cup Classic



Frank Zanzuccki  
Executive Director

## Racing Commission

The core mission of the New Jersey Racing Commission is to govern, direct and regulate horse racing and pari-mutuel wagering in New Jersey. The Racing Commission conducts vigorous oversight of horse racing matters throughout the State to ensure that racing is conducted in a fair and responsible manner. Commission staff members also provide administrative support to encourage the growth of the horse racing industry through expansion of wagering opportunities.

- *Executive Director, Francesco Zanzuccki*
- *Deputy Director, Michael Vukcevic*
- *Chairman, John J. Tucker*

### Commissioners:

- *Samuel M. Cannella*
- *Anthony R. Caputo*
- *Lawrence Codey*
- *Peter J. Confrancesco, III*
- *Edward R. McGlynn*
- *Daniel A. Monaco*
- *Noel Love Gross*

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— the final race of the day — is the richest horse race in the United States. Prior to the settlement agreement, Breeders' Cup officials had expressed concern about bringing the championships to New Jersey in a climate of legal disagreement between the Racing Commission and the THA.



# Combating Underage Drinking: Working to Ensure Responsible Use, Sale of Alcohol

**Y**ear in and year out, one of the most significant public safety issues confronting the Attorney General's Office is the purchase and consumption of alcohol by young people under the legal drinking age of 21, and the harm that can result. One example: there were 275 alcohol-related traffic fatalities in New Jersey in 2004. Forty-one of the victims were under age 21.

Although alcohol-related tragedies are not the sole province of underage drinkers, there is no question that many young people — people too young to drink legally — have lost their lives in New Jersey as a result of binge drinking, highway accidents, fights and other incidents involving illicitly-obtained alcoholic beverages.

In 2005, the Attorney General's Office continued — through a variety of public awareness and enforcement efforts — to emphasize the responsible use of alcoholic beverages by all individuals, but made underage drinking one of its highest priorities.

## Underage Drinking Enforcement Initiatives

In March 2005, the Division of Alcoholic Beverage Control (ABC) within the Attorney General's Office announced the arrest of 90 persons statewide for underage drinking. The arrests resulted from a targeted, statewide undercover effort by the Division to combat illegal drinking on and around college campuses.

The effort had actually begun in October 2004, and focused sharply on "college towns," and the municipalities that surround them, both of which typically see a large influx of young people during the school year. Under the program, ABC agents, working with local police departments, arrested underage persons, as well as bartenders, wait staff, store clerks and others who aided in the purchase of alcohol by those under the legal age, or who may have participated in other illegal activity. (In addition to criminal charges that may be filed against underage persons who purchase alcohol, the liquor licensee may be subject to administrative charges from the ABC or municipal body for violation of state Alcoholic Beverage Control laws.)

By May 2005, a total of 146 underage drinkers had been arrested in and around college communities since the initiative's launch the previous fall.

And there was no let-up for those breaking the law. As a new semester got under way in September 2005, Attorney General Harvey announced 58 more arrests as the result of a joint undercover investigation involving the ABC and Union Township police at a Union Township bar/eatery known as the Jumbalaya Restaurant.

"We are very concerned about underage drinking, since it produces fights and motor vehicle accidents, and contributes to sexual assault," said Attorney General Harvey. "Our goal is to protect young people from injury and death, and to help them develop into thoughtful and productive adults."

By working cooperatively with both local and county law enforcement officers, the Attorney General's Office and the ABC enhanced State efforts to combat underage drinking, and reduced the potential in college communities for alcohol-related tragedy involving young people.

Of course, another perennial concern relative to the underage drinking problem is the summer vacation season at the Jersey Shore. In June, the Attorney General's Office made clear that "shore towns" would also be well-policed for underage drinking throughout the summer, while also announcing a vigorous underage drinking prevention effort.

As part of the enforcement strategy, a total of 23 seashore municipalities participated in a program known as "Cops in Shops" during the summer. Meanwhile, an additional 25 towns throughout the State, as well as the Gloucester County Prosecutor's Office and the Salem

County Prosecutor's Office, launched "Cops in Shops" programs during the summer and committed to operating them year-round. Funding for those initiatives was provided by a total of \$203,000 in grants from the federal Office of Juvenile Justice and Delinquency Prevention.

"Cops in Shops" is a program designed by The Century Council, a national non-profit organization funded by America's leading distillers, that is committed to fighting underage drinking. Under the program, local police officers work undercover in participating retail locations. Law enforcement officials either pose as store employees or are positioned outside the establishment to apprehend adults who try to purchase alcohol for underage drinkers.

As part of the program, retail outlets display posters and decals, provided by The Century Council, on doors, windows, counter tops, and cold cases warning underage drinkers that a police officer may be working undercover in the establishment.

Since its inception in 1996, more than 4,400 underage persons and adults who have purchased alcohol for young people were arrested. Approximately 440 individuals were arrested during summer 2004 alone and, although totals for summer 2005 are not available at this writing, similar arrest numbers are expected. Underage drinkers and the adults who purchase alcohol for them face a minimum fine of \$500 and a mandatory loss of their driver's license for six months.

Attorney General Harvey and ABC Director Jerry Fischer with Siobhan Doran, of Hazlet, winner of the 2005 "Dangers of Alcohol" Billboard/Calendar Competition.





## Prevention Efforts Remain a Key Component

Although the Attorney General's Office remains committed to deterring illegal use of alcoholic beverages through investigation and, where appropriate, prosecution, efforts focused on prevention and public-awareness remain indispensable aspects of the overall strategy as well.

## "Dangers of Alcohol" Calendar/Billboard Competition

A successful initiative in 2005 was the "Dangers of Alcohol" calendar/billboard competition. A cooperative effort between the ABC and the Partnership for a Drug-Free New Jersey, the statewide initiative encouraged middle school students and their parents to work together to create calendar/billboard messages centered on the potential dangers of drinking. The competition generated more than 1,500 entries in 2005 — up from approximately 1,000 the previous year. Thirteen winning messages, selected from the submissions, were featured on a calendar that was distributed to middle schools at the start of the 2005-2006 school year. One message was featured for each month on the calendar, and the grand-prize-winning message was displayed on the calendar's front cover. Additionally, the grand-prize-winning message was reproduced for display on highway billboards throughout the State.

## On Eve of Proms, Graduations: A Compelling Message About Alcohol

In May 2005 — as the graduation and prom season arrived and summer freedom beckoned for students — Attorney General Harvey visited West Windsor-Plainsboro Regional High School for an event that featured guest speaker Brandon Silveria. Silveria was involved in a near-fatal auto crash after drinking beer at a high school party shortly before his prom. As a result of the crash Silveria, then a student at Los Gatos High School in California, spent nearly three months in a coma, and another three years in rehabilitation. Featured on the television show "Rescue 911," Silveria's story is a compelling one. And his first-hand account of the tragedy provided West Windsor-Plainsboro students with powerful food for thought. Through a program developed by The Century Council, a non-profit or-

ganization that is committed to fighting underage drinking, Silveria and his father, Tony, visit high schools across the country, free of charge, providing a special one-hour assembly program that recounts Silveria's involvement with alcohol, the near-fatal car wreck, and his life since.

Attorney General Harvey, ABC Director Jerry Fischer, and Silveria attended assemblies at both West Windsor-Plainsboro High School South and High School North in May 2005. In doing so, they delivered a strong message focused on the consequences of underage drinking, as well as drinking and driving, to a total of nearly 1,000 students on the eve of their proms and graduation ceremonies. Attorney General Harvey again joined Brandon Silveria at Cliffside Park High School in October 2005 for a similar presentation on the consequences of drinking underage, and drinking and driving.

## "Ask, Listen, Learn: Kids and Alcohol Don't Mix"

Consistent with its recognition of the issue as a top priority, the Attorney General's Office took its anti-underage-drinking message not only to those most likely to engage in such activity — high school students — but to younger students as well.

For example, Attorney General Harvey joined with representatives of The Century Council and educators at the Hedgepeth/Williams Middle School in Trenton in Fall 2005 for a presentation entitled "Ask, Listen, Learn: Kids and Alcohol Don't Mix."

"Ask, Listen, Learn: Kids and Alcohol Don't Mix," is a creative multimedia program, developed through a partnership between The Century Council and Nickelodeon, that helps facilitate conversations between parents and their children before they have are confronted with the opportunity to drink alcohol. Designed by a team of educators and psychologists specializing in middle-school-aged students, the interactive program helps parents have effective conversations about alcohol with their kids.

Ask, Listen, Learn includes:

- ◆ Web sites produced by Nickelodeon — [www.asklistenlearn.com](http://www.asklistenlearn.com) and [www.asklistenlearnparents.com](http://www.asklistenlearnparents.com) — where kids can go to get more information on avoiding peer pressure.
- ◆ Television advertising, produced by Nickelodeon, to encourage discussions between parents and kids about the dangers of underage drinking.
- ◆ A parent's booklet, detailing how to begin the conversation, sustain the conversation



Jerry Fischer  
Director

## Div. of Alcoholic Beverage Control

The mission of the Division of Alcoholic Beverage Control is to protect the public health, safety and welfare by regulating how alcoholic beverages are sold, and by encouraging moderation and responsibility in the consumption of alcohol. Comprised of the Office of the Counsel to the Director, the Enforcement Bureau, the Investigative Bureau and the Licensing Bureau, the Division fulfills its mission by regulating and licensing the manufacture, distribution, sale and transportation of all alcoholic beverages in New Jersey. If a licensee violates any law or regulation, the Director may suspend or revoke the license or impose a fine and/or any other appropriate condition. Retail licenses are generally issued by the city or town where the business is located, although the Division may issue a retail license in certain circumstances. Both the municipal issuing authority and the State ABC have concurrent jurisdiction to investigate and prosecute violations by retail licensees. The issuance of new licenses as well as transfers and renewals of existing ones must be approved by the municipal issuing authority and then sent to the Division where the information is processed. The ABC is the official repository for license ownership information. The Division is the sole issuing authority for manufacturing and wholesale licenses and for a variety of special permits for various charitable and business-related events. There are currently approximately 9,500 separate ABC licenses and more than 26,000 permits and insignia issued. Additionally, more than 42,000 brands of alcohol are registered and tracked by the Division.

The Division also acts as the appellate authority for any appeal that may be taken by a licensee or an interested party from any actions by the local issuing authority.

- **Director, Jerry Fischer**
- **David N. Bregenzer, Counsel to the Director**
- **Diane Weiss, Executive Assistant-In-Charge - Licensing Bureau**
- **J. Wesley Gelselmen, Deputy Attorney General-In-Charge - Enforcement Bureau**

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## Harvey pans underage drinking

shore participating the Cops in Shops grant program this summer," Harvey said. He said an additional 25 municipalities participate in a year-round program.

"Since the program began in 1996, we've had more than 4,400 arrest of teens and adults. Last summer there were 440," he said.

The Cops in Shops program

participate in the year-round program.

The New Jersey Restaurant Association was also present yesterday to support the State's program.

"We represent 22,000 eating and drinking establishments in the state," said Deborah Dowdell, the association's president. She said her members offer two

Klein, 41, of South Brunswick, after she tried the exercise.

"I could never drink like that," she added. "I have responsibilities. I have two kids. And besides, it's not fun to be that drunk."

Also on hand yesterday were nine of the 13 finalists in a calendar/billboard competition sponsored by the Division of Al-

and make an impact on kids. It presents effective questions, data, conversation starters and answers to typical objections kids raise.

❖ A kid's booklet, with interactive tests about alcohol's impact on the body, trading cards (over 7 million trading cards are expected to circulate), how to avoid peer pressure, creative ways to say no, and interactive games with parents.

Attorney General Harvey continued throughout the 2005-2006 school year to make the "Ask, Listen, Learn" program booklets available to principals of every middle school in the state.

## AG's Cliffside Park Visit: A Discussion With Brandon, Remembering Rebeka

In April 2004, Attorney General Harvey visited Cliffside Park High School to talk with students about drinking and driving. On October 18, 2005, the Attorney General returned to Cliffside Park High to continue the conversation. Joining him were Brandon Silveria and representatives of The Century Council.

Brandon is a powerful and committed ambassador regarding the dangers of drinking and driving. Despite Brandon's permanent and visible speech and walking disabilities, he delivers a compelling message to teens about the dangers of drinking and driving, a message he takes throughout the United States while accompanied by his father. The Attorney General decided to bring Brandon and the Century Council program to New Jersey after meeting the parents of Rebeka Vereia, a graduating senior from Cliffside Park High School, who was killed on graduation night 2004 while riding home with a fellow classmate. Rebeka was in the audience the day Attorney General Harvey made his initial visit to Cliffside Park in April 2004. Since her tragic death, Rebeka's parents have waged a campaign to reduce youth drinking and driving.

AG Harvey addresses students at Cliffside Park High School on the dangers of drinking and driving. Behind him is a portrait of Rebeka Vereia, a Cliffside Park graduate killed in an alcohol related accident.

## Radio, TV Public Awareness Announcements

As part of its 2005 prevention and awareness effort, the Attorney General's Office employed a 30-second television Public Service Announcement (PSA) focused on the dangers and consequences of underage drinking. The PSA aired on television stations in New Jersey throughout the summer, and served as a reminder of the serious consequences faced by any individual who chooses to drink under the legal age. In addition, a 60-second radio PSA targeting underage drinkers was distributed to all New Jersey radio stations for use in July and August. In the radio spot, Attorney General Harvey detailed the potential consequences confronting those under 21 who purchase alcohol.

Rounding out the Attorney General's broadcast-media-centered awareness efforts for 2005 were three new, 30-second television PSAs taped by Attorney General Harvey in conjunction with The Century Council, discussing the dangers of underage drinking. All broadcast media outlets in the New Jersey metropolitan area were provided the new PSAs for broadcast.

Other alcoholic-beverage-related actions and initiatives involving the Attorney General's Office in 2005 included:

### ❖ Crackdown on Unlicensed Sales —

In January 2005, a joint investigation by the ABC, the Division of Criminal Justice and the Division of Taxation in the Department of Treasury resulted in the confiscation of more than 20,000 cases of untaxed alcoholic beverages and cigarettes. Also, as a result of court-authorized search warrants, two individuals associated with the illegal operation were charged with the unlawful sale and distribution of alcoholic beverages. The investigation targeted the wholesale activities of a warehouse in South Jersey that was engaged in the business of selling untaxed alcohol, beer and wine to various restaurants and retail outlets in the South Jersey/Pennsylvania area. It was charged that the warehouse operation, identified as JWTA, Inc., located in Cherry Hill,

was operating without obtaining a wholesale license permitting the legal sale of alcoholic beverages to wholesale and retail outlets.

The undercover aspect of the investigation ended on January 20, 2005 when law enforcement raided the Cherry Hill warehouse and seized 20,300 cases of untaxed liquor, beer, sake and wine, as well as other alcoholic beverages and cigarettes. While conducting court-authorized search and seizure warrants, State Investigators charged Kye C. Maeng, 51, of Cherry Hill (identified in official documents as a part owner of JWTA, Inc.), and a second defendant, Toyanhee Cho, with the unlawful possession, sale and/or distribution of alcoholic beverages without a license. The ABC determined that JWTA, Inc. applied for the transfer of a New Jersey Plenary Wholesale License in July 2001. ABC denied the application on grounds that a state-issued wholesale license is not transferrable. As a result, JWTA was not legally licensed and could not lawfully sell, service or distribute alcoholic beverages to New Jersey wholesale or retail establishments.

### ❖ Computer Enhancements/ E-Commerce/ABC Web Site —

The ABC made information more accessible to both licensees and the general public in 2005 through its enhanced Web site [www.nj.gov/oag/abc](http://www.nj.gov/oag/abc). For the first time, the Web page includes ABC's retail licensee handbook (in both English and Spanish), a comprehensive list of frequently asked questions, information on new initiatives and grant programs, and forms and documents used by liquor licensees. User-friendly, the interactive Web site provides quick access to information vital to liquor licensees. Individuals and business owners are also invited to e-mail specific questions to the Division through a special Internet address available on the Web site. Additionally, the Division continued taking steps in 2005 to maximize use of cutting-edge technology. From enhancing the internal computer system to e-commerce, the agency is continually looking at ways to better serve licensees. The licensing process has been reviewed and a new computer system that could ultimately provide a higher level of service to both local municipalities and all licensees is being instituted in early 2006. To further assist licensees, the Division continues to look at ways to monitor and change license information via the Internet, and to allow licensees to make payments online in a secure environment.

### ❖ Wine Tasting Regulation Follow-up —

Legislation was enacted in early 2004 that permits an expansion of alcoholic beverage tastings already permitted on retail consumption licensee premises. Additionally, the legislation permits, for the first time, sampling of wine on distribution licensee premises. The ABC promulgated regulations related to these tasting activities in 2004, and continued in 2005 to evaluate tastings being conducted on retail premises.



# Other Agencies within the Department

The following agencies are, for administrative purposes, allocated to the Attorney General's Office. Each performs a vital function in relation to the core mission of the OAG and the Department of Law and Public Safety, which includes assisting crime victims, ensuring integrity in the electoral process, and making certain that state officers and employees in the executive branch conduct themselves ethically and avoid conflicts of interest:

## Election Law Enforcement Commission

ELEC administers and enforces laws requiring disclosure of campaign contributions and expenditures made by candidates and organizations participating in state, county and local elections. The commission also regulates lobbyists, and may accept and institute complaints, issue subpoenas, conduct investigations, issue advisory opinions, levy civil penalties and forward to prosecuting authorities evidence of willful and knowing violations. For more information, visit [www.elec.state.nj.us](http://www.elec.state.nj.us).

## Executive Commission on Ethical Standards

The commission administers and enforces the New Jersey Conflict of Interest Law. The Commission has jurisdiction over state officers and employees in the executive branch. It is authorized to initiate, receive, hear and review complaints, as well as conduct investigations and hold hearings. For more information, visit [www.nj.gov/oag/ethics](http://www.nj.gov/oag/ethics).

## Victims of Crime Compensation Board

The Board provides compensation to innocent victims of violent crime for some expenses they suffer as a result of the crime. In the case of the death of a crime victim, compensation may be paid for funeral expenses and loss of support to the victim's dependents. For more information, visit the VCCB at [www.nj.gov/victims](http://www.nj.gov/victims).

## State Athletic Control Board

The State Athletic Control Board has offices in Trenton and Atlantic City. Formerly part of the Division of Gaming Enforcement, the SACB is now a self contained board that falls under the direction of the Attorney General's Office for the Department of Law & Public Safety. The State Athletic Control Board was established by the Legislature in 1985 (N.J.S.A. 5:2A et. seq.) to ensure that all public boxing and other combative sports exhibitions, events, performances and contests are subject to an effective and efficient system of strict control and regulation. The Board's main purpose is to protect the safety and well being of all participants and promote the public confidence and trust in the conduct of public boxing and other combative sports. For more information, visit [www.nj.gov/oag/sacb](http://www.nj.gov/oag/sacb).

## Notes



